AN

# ABSTRACT

OF THE

# REGULATIONS

ENACTED FOR THE

# ADMINISTRATION OF CIVIL JUSTICE

IN THE

# PROVINCES



OF

# BENGAL, BEHAR, AND ORISSA,

FROM THE

YEAR 1793 TO THE END OF 1824.

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*WITH AN INDEX AND NOTES OF REFERENCE TO ANY ENACTMENTS BY WHICH PROVISIONS STILL IN FORCE MAY HAVE BEEN MODIFIED AND ALTERED.*

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ORIGINALLY COMPILED

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*To the Year* 1818, *and Continued*

BY HENRY SHAKESPEAR, ESQ.

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# ADVERTISEMENT.

This Volume contains an Abstract of the Regulations enacted for the Administration of Civil Justice in the Provinces of Bengal, Behar, and Orissa, from the year 1793 to the end of 1824, inclusive—corrected to the latter period in the manner noticed in the Volume of Police and Criminal Regulations.

For the reasons therein stated, the Regulations enacted for the guidance of the Courts of Civil Justice in the Western Provinces are not included in this volume.

Regulations which are rescinded, or superseded, are omitted, and any modifications or extended application of the Rules in force, are noted as in the Fouzdary Volume. The words in Italics indicate the matter to which the marginal notes have reference; otherwise, where no words are printed in Italics, the Note applies to the whole Clause or Section.

Table of the Months of the Bengal, Fussily, Willaity, Sumbut, and Higeree Eras, corresponding with the Christian Era, from the period of the Company's accession to the Provinces subject to the Presidency of Fort William.

| | Bengal, Fussily, Willaity, Sumbut. | Higeree. | A. D. | Bengal, Fussily, Willaity. | Higeree. | Sumbut. |
|---|---|---|---|---|---|---|
| April, ......... | Bysaak, ... | Jumādee-o-Sanee, ... | 1765 | 1172 | 1180 | 1821 |
| May, ......... | Jeyte, ... | Rujub, ... ... | 1770 | 1177 | 1185 | 1826 |
| June, ......... | Assār, ... | Shabaan, ... ... | 1775 | 1182 | 1190 | 1831 |
| July, ......... | Sāwun, ... | Rumazān, ... ... | 1780 | 1187 | 1195 | 1836 |
| August, ...... | Bhādoon, | Shuwāl, ... ... | 1785 | 1192 | 1200 | 1841 |
| September, ... | Assin, ... | Zekaad, ... ... | 1790 | 1197 | 1205 | 1846 |
| October, ...... | Cartick, ... | Zelhij, ... ... | 1795 | 1202 | 1210 | 1851 |
| November, ... | Ughun, ... | Mohurrum, ... ... | 1800 | 1207 | 1215 | 1856 |
| December, ... | Poose, ... | Suffer, ... ... | 1805 | 1212 | 1220 | 1861 |
| January, ...... | Maug, ... | Rubbee-ul-uwul, ... | 1810 | 1217 | 1225 | 1866 |
| February, ... | Phaugun, | Rubbee-o-Sanee, ... | 1815 | 1222 | 1230 | 1871 |
| March, ...... | Choite, ... | Jumādee-ul-uwul, ... | 1820 | 1227 | 1235 | 1876 |

*The following Regulations are Rescinded, but appertain to the Cognizance of the Civil Courts.*

| | | |
|---|---|---|
| 1793 | VII. | Appointment of Vakeels, Rescinded by Regulation XXVII, 1814. |
| 1793 | XL. | Appointment of Native Commissioners, &c., Rescinded by Regulation XXIII, 1814. |
| 1793 | XLVI. | Paupers admitted to sue, Rescinded by Regulation XXVIII, 1814. |
| 1795 | XXXVIII. | Fees on Institution of Suits, Superseded by Regulations VI, 1797, and I, 1814. |
| 1796 | VIII. | Fees of Pleaders in Summary Suits, Superseded by Regulations V, 1798, and XXVII, 1814. |
| 1797 | VIII. | Pleaders to Zillah and City Courts, Rescinded by Regulation XXVII, 1814. |
| 1797 | XVIII. | Chittagong Suits referrible to Commissioners, Rescinded by Regulation XXIII, 1814. |
| 1800 | III. | Appeals to Registers from Commissioners, Rescinded by Regulations XLIX, 1803, and XXIV, 1814. |
| 1803 | XLIX. | Assistant Judges, &c., Rescinded by Regulations XXIII, and XXIV, 1814. |
| 1805 | X. | Selection and Appointment of Chief Judge of Sudder Dewanny and Nizamut Adawlut, Rescinded by Regulations XV, 1807, and XII, 1814. |
| 1806 | VIII. | Charges against European Public Officers, Rescinded by Regulations XVII, 1813, and II, 1814. |
| 1810 | III. | Paupers, Rescinded by Regulation XXVIII, 1814. |
| 1812 | XII. | Stamp on Law and Money Papers, Rescinded by Regulation I, 1814. |
| 1813 | III. | Review of Causes Appealable, Rescinded by Regulation XXVI, 1814. |

The

*The following Sections of Regulations, contained in the Foujdarry and Revenue Volumes, have reference to the Civil Courts.*

| | Clause. | Sections. | Regulations. | Year. |
|---|---|---|---|---|
| FOUJDARRY VOLUME. | | | | |
| Rule in cases of difference of opinion between Judges of Provincial Courts of Appeal, ... ... | ,, | 7 | 3 | 1797 |
| Courts of Civil Judicature to be annually adjourned, ... ... ... ... ... | ,, | 2 & 3 | 3 | 1798 |
| Weavers and Mulungees may be confined in satisfaction of Decrees, when not under engagements, ... ... ... ... | ,, | 3 | 9 | 1801 |
| Court of S. D. A. may dispense with periodical vacations, ... ... ... ... | ,, | 10 | 1 | 1806 |
| Native Pleaders to take copies of Regulations, | ,, | 12 | 11 | ,, |
| Zillah and City Judges to report to Register of Supreme Court, decease of Persons, (E. B. S.) dying Intestate, ... ... ... | ,, | 6 | 15 | ,, |
| Actions of debt against Sepoyhies and Native Officers, ... ... ... ... | ,, | 22 & 26 | 20 | 1810 |
| Attachment of lands, by order of Government without a Decree of Court, ... ... | ,, | 9 to 11 | 3 | 1818 |
| Powers of the Commissioner for the North-East parts of Rungpore, in the administration of Civil Justice, ... ... ... ... | ,, | 6 & 7 | 10 | 1822 |

REVENUE

## REVENUE VOLUME.

| | Clause. | Section. | Regulations. | Year. |
|---|---|---|---|---|
| Courts of Maul Adawlut abolished, ... ... | ,, | 2 | 11 | 1793 |
| Courts to adjust disputed boundaries, ... ... | ,, | 32 | 8 | ,, |
| Damages to be awarded by Civil Courts, on proof of undue exaction of rent, ... ... | 2 | 51 | ,, | ,, |
| Penalties to be adjudged by the Civil Courts, in cases of unauthorized Abwabs levied, ... ... | ,, | 55 | ,, | ,, |
| Penalties for interference with matters cognizable by the Civil or Criminal Courts, ... ... | ,, | 66 | ,, | ,, |
| Zillah Judges how to proceed on petitions from disqualified Landholders, ... ... | 2 | 5 | 10 | ,, |
| Ditto on a representation from the Collector, | 3 | ,, | ,, | ,, |
| Representation may be preferred to the Judge to recover management of Estates, ... ... | 6 | ,, | ,, | ,, |
| Civil Courts to enforce what judgments of the Court of Wards, ... ... ... | 2 | 32 | ,, | ,, |
| Suits instituted against Collectors, ... ... | ,, | 36 | ,, | ,, |
| Judges of Zillah or City Courts to confine Revenue Defaulters on application of Collector, ... | ,, | 5 | 14 | ,, |
| Damages—in what cases to be awarded by the Courts against Collector, ... ... ... | ,, | 12 | ,, | ,, |

Courts

| | *Clause.* | *Section.* | *Regulations.* | *Year.* |
|---|---|---|---|---|
| Courts to enquire into charges of resistance or evasion of Collectors' process, ... ... | 2 | 15 | 14 | 1793 |
| Rules in cases of appeal from the Judges decision, ... ... ... ... | „ | 16 | „ | „ |
| Judges may require Collectors to shew cause for detention of any party in custody, ... ... | „ | 29 | „ | „ |
| Courts how to enforce payment of costs and damages, by a Collector, ... ... ... | „ | 36 | „ | „ |
| Court may fine Collectors for refusing to obey any order or decree, ... ... ... | „ | „ | „ | „ |
| Process of Courts against Collectors—how issued, ... ... ... ... | „ | 38 | „ | „ |
| What petitions presented to the Judge by persons aggrieved, to be forwarded to the Governor General in Council, ... ... ... | „ | 46 | „ | „ |
| Suits instituted under Regulation XVII. 1793, to be heard prior to other suits depending, ... | „ | 34 | 17 | „ |
| Courts of Judicature not to take cognizance of claims to pensions, ... ... ... | „ | 17 | 24 | „ |
| Judges to receive and determine all complaints for exacting Sayer duties, ... ... | „ | 11 | 27 | „ |
| Copies and translations of decrees, to be enforced by a Sale of Malgoozaree lands, to be sent to the Revenue Board, ... ... | „ | 2 | 45 | „ |

| | Clause. | Section. | Regulations. | Year. |
|---|---|---|---|---|
| Courts may countermand or postpone sales of land, ... ... ... ... | 2 | 16 | 45 | 1793 |
| Judges to confine public Native Officers, charged by the Collector with withholding money or accounts, ... ... ... ... | ,, | 16 | 3 | 1794 |
| Courts to allot one day in the week, or more, for the trial of rent or revenue suits, ... ... | ,, | 22 | ,, | ,, |
| Judges to furnish Collectors with copies of decrees, by which the right to a property in rent-free lands may be altered, ... ... ... | ,, | 3 | 58 | 1795 |
| Explanation of the rule in Section 9, Regulation IV. 1793, regarding copies of decrees, to be furnished by Judges, ... ... ... | ,, | 4 | ,, | ,, |
| Judges to appoint Commissioners for the sale of destrained property, ... ... ... | ,, | 6 | 7 | 1799 |
| Rules in certain Regulations, respecting the trial of revenue suits to be strictly observed by the Courts, ... ... ... ... | ,, | 13 | ,, | ,, |
| Arrest of revenue defaulters by petition to the Judge; process, summary enquiry and confinement of, ... ... ... ... | ,, | 15 | ,, | ,, |
| Courts of Justice to determine the rights of every description of landholder and tenant, .... | 8 | ,, | ,, | ,, |
| Summary judgments of the Courts not open to appeal—rule respecting institution fee—exhibits and stamp paper on each suit, ... ... | ,, | 18 | ,, | ,, |

Appeals

| | *Clause.* | *Section.* | *Regulations.* | *Year.* |
|---|---|---|---|---|
| Appeals to S. D. A. from judgments of P. C. A. in cases of resistance of process—amount increased to Rupees 5000 instead of Rupees 1000, ... | 8 | 24 | 7 | 1799 |
| Zillah Judges, in what cases to nominate Guardians to disqualified landholders of joint undivided estates, not subject to the Court of Wards, ... | " | 2 | " | 1800 |
| Persons aggrieved may petition the Judge, or the S. D. A. ... ... ... | " | 7 | " | " |
| Suits instituted in the Civil Courts under Regulation V. 1812, to be decided summarily, ... | " | 20 | 5 | 1812 |
| Such suits to be referred by the Judge to the Collector, ... ... ... ... | " | 21 | " | " |
| Persons dissatisfied with the summary judgment of Collector may institute a regular suit, ... | " | 23 | " | " |
| Judges of Zillah and City Courts, in certain cases, to appoint managers to joint undivided estates, ... ... ... ... | " | 26 | " | " |
| And may remove each manager on sufficient grounds shewn, ... ... ... ... | " | 27 | " | " |
| Courts of Justice to determine disputed right to separation of shares of joint estates held in common tenancy, ... ... ... | 2 | 4 | 19 | 1814 |
| Courts of Justice not to receive accounts on certain suits, which may not have been previously produced to the revenue authorities, ... ... | 2 | 13 | 2 | 1819 |

Suits

| | *Clause.* | *Sections.* | *Regulations.* | *Year.* |
|---|---|---|---|---|
| Suits instituted under Regulation II. 1819, to be tried by the Judge, and a special appeal only admitted, ... ... ... ... | 2 | 13 | 2 | 1819 |
| The same rule applicable to the Provincial Courts and Sudder Dewanny Adawlut, ... | 1 | 26 | ,, | ,, |
| Provisions in Section 2, Regulation XXVI. 1814, not applicable to such appeals—what points to be considered on admitting or rejecting such special appeals, ... ... ... ... | 2 | ,, | ,, | ,, |
| Suits instituted in Courts for revenue of rent-free lands, or claims to hold lands exempt from revenue, to be referred to the Collector for investigation. ... ... ... ... | ,, | 30 | ,, | ,, |
| Rules for the guidance of the Courts in regard to each suit, ... ... ... ... | ,, | ,, | ,, | ,, |
| In cases of the above description preferred to a Collector, Courts to carry into effect the decisions of the Collector if not appealed, ... ... | 10 & 11 | ,, | ,, | ,, |
| A special appeal only to lie from the decisions of the Zillah Courts, ... ... ... | 12 | ,, | ,, | ,, |
| Registers of Civil Courts to be present at the sale of certain Talooks, ...... ... | ,, | 9 | 8 | ,, |
| Rules regarding summary suits for rent modified, ... ... ... ... | ,, | 18 | ,, | ,, |

Magistrates,

| | *Clause.* | *Section.* | *Regulations.* | *Year.* |
|---|---|---|---|---|
| Magistrates, Joint Magistrates, and Assistant Magistrates, who may be vested with revenue powers amenable to the Civil Courts, ... ... | 12 | 6 | 4 | 1821 |
| Decisions of the Civil Courts regarding rules of rent and modes of payment, how regulated, ... | ,, | 9 | 7 | 1822 |
| Courts to maintain the decisions of the revenue officers, and not to enterfere with allotments of Jummah, ... ... ... .. | 3 | 14 | ,, | ,, |
| What process of arrest by a Collector, to be served through the Zillah Courts, ... ... | ,, | 22 | ,, | ,, |
| Regular suits brought to contest decisions of Collector, to be considered as appeals from a summary award, ... .. ... ... | 2 | 23 | ,, | ,, |
| Courts to call for the proceedings of the Collector to be filed on the case, ... ... | ,, | 31 | ,, | ,, |
| Such suits not referrible to a Register, Sudder Ameen, or Munsiffs, ... ... ... | 2 | ,, | ,, | ,, |
| Courts of Judicature not to alter or set aside, public sales of land, except on default of the prescribed conditions of validity, ... ... | ,, | 4 | 11 | ,, |
| Courts of Justice to give information to Collectors of Benamee purchasers of land at public sales, ... ... ... ... | 2 | 20 | ,, | ,, |
| Courts may annul sales in proof that the conditions of validity were not observed, ... ... | ,, | 25 | ,, | ,, |

| | *Clause.* | *Section.* | *Regulations.* | *Year.* |
|---|---|---|---|---|
| And may certify cases of hardship to the Governor General in Council, ... ... | 2 | 26 | 11 | 1822 |
| Judge of the Zillah to aid the revenue officer in giving possession to purchasers at public sale, | ,, | 28 | ,, | ,, |
| Civil Courts may give possession of a contested Mehal to the claimant, who may pay up any arrear due, subject to the rules in C. 4. Section 11, Regulation XIII. 1808. | ,, | 29 | ,, | ,, |
| Zillah Judges to enforce penalties imposed by Collector for contempt in open Cutchery, ... | ,, | 37 | ,, | ,, |

## REGULATIONS CONTAINED IN THIS VOLUME.

| | | |
|---|---|---|
| 1793 | III. | Extending and defining jurisdiction of the Civil Courts, 1st May. |
| ,, | IV. | For receiving, trying and deciding suits, 1st May. |
| ,, | V. | Establishment and Rules for Provincial Courts of Appeal, 1st May. |
| ,, | VI. | Sudder Dewanny Adawlut, defining powers and rules for, 1st May. |
| ,, | XII. | Law Officers of Civil and Criminal Courts, Appointment of, 1st May. |
| ,, | XIII. | Ministerial Officers of Civil and Criminal Courts, Appointment of, 1st May. |
| ,, | XV. | Interest, fixing the rates of, 1st May. |
| ,, | XVI. | Arbitration, referring suits to, 1st May. |
| ,, | XVIII. | Records of Civil and Criminal Courts and Monthly Reports, 1st May. |
| ,, | XX. | Courts empowered to propose Regulations, 1st May. |
| ,, | XXVIII. | British subjects amenable to Zillah and City Civil Courts, 1st May. |
| ,, | XXXV. | Reform of the Gold and Silver Coin, and preventing the counterfeiting or debasing the Coin, 1st May. |
| ,, | XXXVI. | Registry of Wills and Deeds, &c. 1st May. |
| ,, | XXXIX. | Appointment of Cauzy-ul-Cozaut and Zillah Cauzies, 1st May. |

Forming

| | | |
|---|---|---|
| 1793 | XLI. | Forming the Regulations into a Regular Code, 1st May. |
| „ | XLVII. | Difference of opinion in Provincial Courts of Appeal, 1st May. |
| „ | XLIX. | Disputed Boundaries, 28th June. |
| 1794 | VIII. | Extending and defining powers of Registers, and authorizing the Zillah Courts to refer suits and revenue accounts to the Collectors for Report, 14th November. |
| 1795 | XXXVI. | Appeals to Judges from Registers, &c. 27th March. |
| „ | LV. | Security from Guardians, in what suits not required, 13th November. |
| 1796 | IV. | Absence of Judges and Magistrates, 18th May. |
| „ | X. | Guidance of Courts differing in opinion on construction of the Regulations, 7th October. |
| „ | XIII. | Execution of decrees in suits appealed, 16th December. |
| 1797 | XI. | Form of Bond on Institution of suits by British Subjects, 13th October. |
| „ | XII. | Further limitation of appeals to Sudder Dewanny Adawlut and Provincial Courts of Appeal, 27th October. |
| „ | XVI. | Appeals from Sudder Dewanny Adawlut to the King in Council, 24th November. |
| „ | XIX. | Provincial Courts of Appeal may require translations from Zillah and City Courts, in suits appealed to Sudder Dewanny Adawlut, and providing for translations, 15th December. |
| 1798 | I. | Preventing frauds in conditional sales of lands, 19th January. |
| „ | II. | Review of causes, and security in appeals, 9th February. |

Limitation

| | | |
|---|---|---|
| 1798 | V. | Limitation of appeals to Sudder Dewanny Adawlut, Institution fees and records, 5th July. |
| 1799 | V. | Limiting interference of Civil Courts in the execution of Wills, 3d May. |
| " | IX. | Resistance of Civil Process of City and Zillah Courts, 10th October. |
| 1801 | II. | Sudder Dewanny and Nizamut Adawlut—speedy administration of justice therein, 12th March. |
| 1802 | III. | Security from defendants in Civil Suits, &c., 22d April. |
| " | IV. | Occasional second Court of Appeal for Dacca, 22d April. |
| 1804 | V. | Appointment and. removal of Native Ministerial Officers, 16th August. |
| 1805 | I. | Appeals to Sudder Dewanny Adawlut from Chandernagore and Chinsurah, 14th February. |
| " | II. | Explaining limitation of time for admission of Civil Suits, &c., 18th February. |
| " | XIV. | Administration of Civil Justice in Cuttack, 5th September. |
| " | XV. | Law Officers of Zillah and City Courts appointed Commissioners for trial of causes, 12th September. |
| 1806 | II. | Explaining and amending rules of process in Civil Courts, 27th March. |
| " | VII. | Establishment of a Court of Civil Judicature in the vicinity of Calcutta, 26th April. |
| " | X. | Extending to Judicial Department, certain Regulations applicable to charges against European Public Officers, 19th June. |
| 1807 | I. | Duties to be performed by single Judges of Provincial Courts of Appeal, in absence of other Judges of the Court, 29th January. |

| | | |
|---|---|---|
| 1807 | XV. | Appointment of Judges of Court of Sudder Dewanny Adawlut, 23d July. |
| 1808 | XIII. | Rendering Civil Causes which are appealable to the Sudder Dewanny Adawlut, cognizable, in the first instance, by the Provincial Court, 30th December. |
| 1809 | VIII. | Appointment and removal of Native Officers in the Judicial Revenue and Commercial Departments. |
| 1810 | XIII. | Expediting trial and decision of causes, and promoting the adjustment of suits, 4th May. |
| 1811 | XII. | Augmenting the number of Judges of Sudder Dewanny and Nizamut Adawlut, 27th August. |
| 1812 | IV. | To enable Government to institute and defend actions in which Native Princes may be parties, 24th April. |
| " | XVI. | Empowering Judge of the 24-Pergunnahs to execute judgments of the Court of Requests, 15th August. |
| " | XX. | Modifying rules respecting Registry of Deeds, &c., 17th October. |
| 1813 | VI. | For referring to arbitration, Suits respecting land, and amending rules respecting forcible dispossession, 10th July. |
| " | XVII. | Amendment of rules for conducting enquiries into charges and complaints against European Public Officers, 24th December. |
| 1814 | II. | Complaints or suits instituted against Public Officers, modifying the rules respecting, 29th January. |
| " | V. | Amending Regulations relating to the appointment of Judges of the Courts of Appeal and Circuit, 19th March. |
| " | XIV. | Dividing the 24-Pergunnahs into two distinct jurisdictions, 14th June. |

Preventing

| | | |
|---|---|---|
| 1814 | XXI. | Preventing Zillah and City Judges from employing their Native Creditors on their public establishments, 4th October. |
| „ | XXIII. | Reducing into one Regulation, with modifications and amendments, the rules enacted relative to the Office, powers, and duties, of Munsiffs, Native Commissioners, and Sudder Ameens, 29th November. |
| „ | XXIV. | Abolishing office of Assistant Judge, and modifying the constitution and jurisdiction of Zillah and City Civil Courts, 29th November. |
| „ | XXV. | Modifying constitution and jurisdiction of Sudder Dewanny Adawlut and Provincial Court of Appeal, for expediting trial of Civil Causes in those Courts, and defining more fully powers of single Judges holding sittings of Nizamut Adawlut and Courts of Circuit, 29th November. |
| „ | XXVI. | Modifying rules regarding admission and trial of special and summary appeals, amending existing provisions respecting pleadings, processes, and execution of decrees in regular suits and appeals, and explaining and amending Regulation I. 1814, 29th November. |
| „ | XXVII. | Reducing into One Regulation, the rules relative to Native Pleaders in the Courts of Civil Judicature, 29th November. |
| „ | XXVIII. | Reducing into One Regulation, with modifications, the rules passed relative to the institution or defence of suits by Paupers, 29th November. |
| 1815 | II. | Extending the provisions of C. 7, See Section 12, Regulation XXIV. 1814, 18th April. |
| 1816 | IV. | Treatment of Prisoners confined in Civil Jails, &c., 9th February. |
| „ | VIII. | Establishment of Office of Superintendant, and Remembrancer of Legal Affairs, 29th March. |

Trial

| | | |
|---|---|---|
| 1816 | XV. | Trial of Civil Suits in which Native Officers and Soldiers may be parties, &c., 10th June. |
| 1817 | III. | Diminishing the expence to which parties in certain suits and appeals, not exceeding 64 Rupees, are subject, and modifying and amending Regulation I. 1814, and Regulation XXIII, 1814, 3d January. |
| " | V. | Declaring the right of Government and Individuals respecting Hidden Treasure, 28th February. |
| " | VIII. | Modifying Regulation XVII. 1813, 2d May. |
| " | XVIII. | Modifying rules relative to Oath of Office to be taken by Native Ministerial and Law Officers of Civil and Criminal Courts, 16th September. |
| " | XIX. | Modifying and amending rules in force relative to the administration of Civil Justice and Summary Process for recovery of Arrears of Rent, 16th September. |
| 1818 | V. | Appointing a Commissioner for the administration of Civil Affairs in Cuttack, 28th April. |
| 1819 | IX. | Amending the existing Rules with regard to the admission of special appeals; requiring security for costs of suit from persons residing in Calcutta, and extending the powers of the Zillah and City Registers, and the Registers of the Provincial Courts, in certain cases, 2d October. |
| 1821 | II. | For encreasing the powers of Moonsiffs; for extending, in special cases, the powers of Sudder Ameens, and for authorizing the Zillah and City Registers and Sudder Ameens to discharge certain additional duties; for providing for an increase in the number of Moonsiffs; for authorizing Sudder Ameens to hold their Cutcherries at any place where there may be a Register holding his Court at a distance from the Sudder station; also for amending the rules in force for the institution of Suits, before such Regis- |

ters,

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|---|---|---|
| 1821 | | ters, for rescinding such part of the Regulation as authorize the Registers of Civil Courts to receive fees, on suits decided by them, for altering the rules in force for the execution of decrees of the Sudder Dewanny Adawlut and Provincial Courts, and for abolishing the office of Register of the Provincial Courts, 19th January. |
| 1823 | VI. | For authorizing the institution of Summary Suits to enforce the execution of certain written engagements for the cultivation and delivery of Indigo plant, 16th July, 1823. |
| ,, | VII. | For prohibiting Loans by Covenanted Civil Servants from persons subject to their official authority and influence, 30th October. |
| 1814 | III. | Empowering Government to extend the jurisdiction of Registers in certain cases, 12th February. |
| ,, | IV. | To provide more effectually for the office of Registry of Deeds, 12th February. |
| ,, | V. | Extending the operation of Regulation VI. 1823, to the provinces of Orissa, Behar, and Benares, and to the Ceded and Conquered Provinces, 4th March. |
| ,, | XI. | Empowering the Zillah and City Judges and Magistrates to depute their Registers or Assistants to make local investigations, 15th July. |
| ,, | XIII. | For making further Provisions relative to Office of Sudder Ameen, 22d July. |
| ,, | XIV. | Modifying the Rules in force for referring to the Collectors' Summary Suits, in cases of arrear or exaction of rent, 22d July. |
| ,, | XV. | Enabling the Magistrates and Joint Magistrates, to take summary cognizance of cases of forcible dispossession, or disturbance in the possession of land, or other property, 22d July. |

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# REGULATION III.

Oath of Judges. Jurisdiction. Court days. Seal. Suits Cognizable. British Subjects.

2d. Courts of Dewanny Adawlut, established in the several Zillahs and Cities, how denominated.

3d. Each Court superintended by one Judge. Oath to be taken before the Governor General in Council or other person empowered to administer it.

4th. Jurisdiction of Zillah and City Courts.

5th. Courts to be held three days in the week, or oftener if necessary. Judge to report if from any cause prevented holding a Court for three days—no rule, order, proceeding, or decree, to be made but in Court days, and in open Court.

6th. Seal to be used—dimension—inscription—to remain in custody of the Judge.

7th. All persons, not British subjects, amenable to the jurisdiction of the Zillah and City Courts.

8th. (Modified Sections 2 and 3, Regulation XIII. 1808.) Courts to have cognizance generally of *all Civil Complaints*, provided the cause of action shall have arisen, or the Defendant be a fixed resident within the limits of the jurisdiction of the Court in which the complaint may be preferred.

9th. British subjects (with certain exceptions) not permitted to reside more than ten miles distant from Calcutta, unless they execute the Bond prescribed by Regulation XXVIII. 1793, to render themselves

1793 | SECTIONS

## REGULATION III.

Jurisdiction of Zillah and City Courts.

amenable to the Court in Civil Suits which may be instituted against them by Natives, or other persons described in Section 7th, not exceeding 500 Rupees.

PUBLIC OFFICERS AMENABLE.

10th. Vide C. 1. Section 3, Regulation II. 1814.

Collectors of Revenue and Customs, Commercial Residents, Salt Agents, Mint and Assay Masters, and their respective Officers, amenable to the Civil Courts for acts done in their official capacity, in opposition to any of the Regulations.

SUITS AGAINST GOVERNMENT FOR ACTS OF PUBLIC OFFICERS.

11th. Any persons, not being British subjects, considering themselves aggrieved by any act done by any of the Public Officers of Government, pursuant to a special order originating with the Governor General in Council, the Boards of Revenue or Trade, such Officer not liable to be sued for such act, but Government to be considered the Defendant. The party aggrieved to present a petition to the Judge of the Zillah or City, stating his grievances, which is to be forwarded by the Judge to the Governor General in Council, who will either afford redress or direct the Court to proceed in the trial of the cause. If the latter, the Court to send a written notification of the order to the Complainant, and the cause is to be considered as filed, and to proceed according to the Regulations. The Officer, by whom the act complained of may have been done, is to carry on the suit through the Government Vakeel. How to proceed in the event of Government being cast. All special rules respecting cases of the nature

nature described in this Section to be duly attended to by the Plaintiff, and by the Boards and Officers concerned in them.

Suits twice instituted, or Vexatious Suits.

12th. No Court to receive a suit which may have been previously instituted in another Court in which it may be cognizable; the Court, in which a *second suit* may be instituted, to dismiss it with costs, to be paid by the Plaintiff, and a discretionary fine to Government may be imposed for such second institution, or for the institution of suits which may appear frivolous, vexatious, or groundless; and Plaintiff to be committed to close custody until the fine be paid.

Vide C. 2. Section 3, Regulation XIX. 1817.

Rules for certain Decrees.

13th. Courts not to decree right to succession, or inheritance of real property, to which there may be more claimants than one, who by the Hindoo or Mohamedan Law could be entitled to a portion of the property, except by the decree the property be adjudged to all the claimants in the proportions to which they may be respectively entitled.

Twelve Years Limitation for Suits.

14th. Courts not to try the merits of any suit when the cause of action shall have arisen before the 12th August 1765, nor (with exception) any suit in which the cause of action may have arisen *Twelve Years* before the suit may have been commenced.

Modified, vide Sections 2 and 3, Regulation II. 1805.

Sums

1793 | Sections

*Zillah and City Courts.*

# REGULATION III.

SUMS OF MONEY ON BONDS.

15th. Sums of Money on Bonds, entered into after the 28th March 1780, (unless executed in presence of two credible witnesses) not to be decreed by the Courts, unless the sum, or a valuable consideration, shall have been proved. Restriction not to extend to Bills of Exchange, Receipts, or Notes of Hand, on the determination of which the custom of the country to be abided by.

SUITS NOT COGNIZABLE BY COURTS.

16th. Courts not to admit suits which may appear to have been decided by any former competent jurisdiction. If doubts as to that competency arise, the circumstances to be reported to the Sudder Dewanny Adawlut.

17th. To what suits cognizance of the Civil Court of the 24 Pergunnahs is restricted, the cause of which may be situated or arise within the limits of the City of Calcutta.

18th. Civil Courts prohibited taking cognizance of any matters of a Criminal nature, excepting for contempt and perjuries, as prescribed in Sections 14 and 21, Regulation IV. 1793.

CORRESPONDENCE.

19th. Exception, vide Regulation XV. 1816.

Judges prohibited *corresponding* with parties in suits respecting matters depending before the Court. All representations to be made in Court, either in person ~~or~~ in writing, or by an authorized Vakeel. The Court to pass such order as may appear proper upon the representation,

*Zillah and City Courts.*

CORRESPONDENCE PROHIBITED.

sentation, and cause a copy to be delivered to the party concerned, attested by the Seal of the Court, and Signature of the Register. Judges also prohibited corresponding with the Provincial Courts of Appeal in any matters on which they may not be especially empowered to correspond. Any information which may be required, or which it may be necessary to submit to the Court, is to be certified by a writing under the Official Seal and Signature of the Judge.

DECISIONS APPEALABLE.

20th. All decisions of the Zillah and City Courts appealable under Regulation V. 1793, to the Provincial Courts of Appeal, and Judges invariably to specify, in every decree, the grounds upon which it may be passed.

21st. In cases for which no specific rule may exist, the Judges to act according to justice, equity, and good conscience.

REGULATION IV.

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## REGULATION IV.



2d. Modified Regulation XV. 1816.

Only Plaintiffs and Defendants, or their Vakeels, to be allowed to prefer or defend a suit, and no other persons except the witnesses to be heard, vivâ voce, in any stage of a cause.

Pleadings.

3d.

Petition of Plaint to state precisely the matter of complaint. If for land, the annual produce to be specified, (explanation of annual produce) if for real property, not land, the estimated damage—the name of Defendant, and the time when the cause of action arose. Plaint to be signed by the Plaintiff or his Vakeel, and to be numbered, dated, and signed by the Judge, in the order in which it may be filed, and to be registered in a Book of Pleadings to be kept in the Persian or Hindostany languages, written in their appropriate characters.

4th.

Defendant to insert, in his answer, any objection to the Plaintiff's statement of the cause of action, otherwise the Plaint to be held correct, as far as to determine whether the cause is or is not appealable to Sudder Dewanny Adawlut.

Process.

5th. Vide Section 3, Regulation XI. 1797, Section 2, Regulation III. 1802, and Section 2, Regulation II. 1806.

On a complaint being preferred, Court to issue a *summons* on the Defendant—contents of the summons. Security for appearance of Defendant—responsibility of surety in default of producing the Defendant when required. In default of giving security, the Defendant

to

PLEADINGS AND PROCEEDINGS AGAINST DEFENDANTS.

to be apprehended—Nazir to return the Summons on a fixed day, with an endorsement certifying how it has been executed. On appearance of Defendant, Court to fix a discretionary time for him to file his answer. Plaintiff to reply to the Defendant's answer on the next Court day—what the reply is to contain; the rejoinder to be delivered on the same day—what to contain, and no further pleadings to be admitted; but Court may admit a *Supplemental Plaint* to rectify any inadvertent omission or mistake material to the merits of the suit, either from Plaintiff or Defendant; but only one Supplemental Plaint and answer to be allowed, to which a separate reply and rejoinder to be received. *Register of the Court to rejoin* if the Defendant omit to rejoin by a certain day.

Modified Section 6, Regulation XXVI. 1814.

Ditto Ditto.

ATTENDANCE OF WITNESSES.

6th. Courts to proceed to investigate the merits of the suit as soon after the close of the proceedings as business will permit, *eight days* previous notice being given to the parties. How the attendance of witnesses in the cause is to be procured—Witnesses not attending, or refusing to give evidence (if their evidence shall be declared upon oath material) a Dustuck to be issued for their apprehension, and Judge may impose a fine not exceeding 500 Rupees, and commit the witness to close custody until he shall consent to give evidence, and sign his deposition. Court may award witnesses any reasonable expense

Vide Section 12, Regulation XXVI 1814.

# REGULATION IV.

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*Trial and Decision of Suits in the Zillah and City Courts.*

EXHIBITS. EXPENCES OF WITNESSES. EVIDENCE OF WOMEN OR WITNESSES AT DISTANCE.

expense incurred by attendance, to be paid by the party summoning them—party not paying the sum so awarded, to lose the benefit of witness's testimony, and after the decree shall be passed, to be confined till the sum be paid. Oaths to be administered to witnesses—in certain cases may be dispensed with on written declaration (form of declaration) depositions to be taken in writing, and signed by the witnesses. Exhibits and written evidence to be produced in open Court at the trial—how proved if disputed—every exhibit to be numbered—Evidence of Females of Rank to be taken by Commission on written interrogatories,—how evidence of witnesses residing in separate jurisdictions, at a greater distance than 50 Coss, may be procured—personal attendance of such persons, if indispensable, how obtained. Judge how to proceed in the event of his rejecting any exhibits or written evidence that may be offered.

EXECUTION OF JUDGMENT.

7th. Court to give judgment when the parties shall have been heard—the exhibits received and considered, and the evidences examined, the decree of the Court *to be executed* by the attachment and sale of the real or personal property of the Defendant, and, if necessary, by the attachment of his person.

Modified Section 15, Regulation XXVI. 1814.

*Monthly*

# REGULATION IV.

ALLOWANCE TO DEBTORS.

8th.
Vide Section 12, Regulation II. 1806.

*Monthly allowance* to be paid to Defendants, confined at the instance of Plaintiffs, not to exceed Four Annas, or be less than One Anna per diem—to whom and when the allowance is payable—Nazir to report to the Judge the omission or refusal of Plaintiff to pay the allowance for one month—Judge how to proceed on such report, and Defendant to be discharged if allowance be not paid within a given time—Plaintiff not to pay any allowance to Defendants committed to custody for disobedience of an order of the Court.

DECREES FOR LAND.

9th.
Vide Sections 3 & 4, Regulation LVIII. 1795. (Revenue).

Courts to transmit, within ten days, to the Collector, and Board of Revenue, *Copy of every Decree* they may pass regarding land paying Revenue immediately to Government, and of every such Decree which may be transmitted to them by the Provincial Courts of Appeal, or Court of Sudder Dewanny Adawlut, to be enforced with an abstract of the Decree—what such abstract is to contain.

DEFAULT OF PLAINTIFF.

10th.

Suits in which a Plaintiff may have neglected to proceed for six weeks to be dismissed, unless good cause can be shewn for the delay—Costs to be awarded to Defendant—Judge to record his reasons for dismissing the Suit or for allowing Plaintiff to proceed.

11th.
Vide Section 3, Regulation II. 1806.

In event of Defendant *absconding*, so that *Summons* cannot be served upon him, an Ishtihar, and copy of former *Summons*, requiring

his

EXPARTE TRIALS.

his attendance within a period not less than fifteen days, is to be affixed to the door of his residence. The Nazir to return the order with an endorsement, certifying at what time and place the notification and summons may have been fixed up, which is to be filed with Proceedings. If the Defendant shall not appear, or if appearing, shall refuse to answer, or shall admit the justice of the demand, the Court, on examination of the allegation of the Plaintiff only, and depositions of his witnesses, is to decree the suit in the same manner as if the Defendant had appeared and answered.

SURETIES.

12th. Sureties of Defendants not appearing, or refusing to give answer, liable to be prosecuted as principals—option given to Plaintiffs to proceed against the Defendant in the manner prescribed above.

PROCESS HOW SERVED.

13th. Process of Courts to be served according to the requisition of it, without application to any person or enterference of any individuals—exception as to the manner of serving Summons against Females of Rank. How attendance of such persons, when defendants, is to be procured (through Vakeels.) Nazir to return the Summons, with an endorsement, specifying in what manner it has

been

been executed; if the Summons cannot be served, and Defendant shall not appear, Court to proceed ex-parte.

PERJURY OF WITNESSES.

14th. Vide Regulation III. 1801, and Regulation II. 1807, and Regulation XVII. 1817. (Foujdary.)

Witnesses or persons guilty of *wilful and corrupt perjury*, to be committed to take their trial before the Court of Circuit, and to be immediately committed to close custody.

H. AND M. LAW.

15th. Explained Section 4, Regulation II. 1798.

Decrees of Courts regarding matters of Inheritance, Marriage, Cast, and all religious usages, to be conformable to the Hindoo or Mahomedan Law, according to the persuasion of the parties. Native Law Officers to *expound* the Law.

REFERENCES TO LAW OFFICERS.

16th.

Courts not to admit any communications or reports of any matters of fact, with the view of passing a Decree, except in cases in which special authority for that purpose may be given by any Regulations; this rule not to prevent references to the Law Officers on points of Law. When such a reference may be necessary, a statement of the facts, on which the question may arise, to be made in writing, and signed by the Judge, and delivered to the Molovee, or Pundit, for his opinion, and the answer attested by the Law Officer is to be annexed to the same paper, and the dates of the question and answer to be specified.

17th.

Where local investigations are necessary in disputes respecting Land,

EXPENCES OF AUMEENS.

Land, &c. The Courts may depute an Aumeen, to be sworn to make a faithful report, and not to receive any consideration, besides that which may be allowed him by the Court, his report to be made in writing by a certain day, and signed, and is to be received in evidence, with regard to the points investigated. The Court to direct an adequate sum to be paid to the Aumeen, to be added to the costs, and paid by the party against whom the Decree may pass. Court not to admit any unnecessary delay or increase of expences.

PROCESS OF PLAINTIFF.

18th. Plaintiff to pay the expence of all process issued on his behalf, previous to the decision of the suit.

ORDER OF TRIAL.

19th. Suits to be tried in the order in which they may be filed (*exception.*) A paper specifying the causes for trial of which a day has been fixed, to be affixed up in the Court-room seven days previous.

Vide Section 7, Regulation XV. 1816.

SERVICE OF PROCESS.

20th. In what language and character all orders and processes of the Courts to be written; to be signed and sealed; Summons to be served by Peons, to be paid their daily subsistance-allowance by parties in whose behalf the process may be issued. Name of Peon, amount of subsistence-money, and number of days for which he may receive it to be endorsed in writing, and no more than two Peons to be deputed on any occasion.

Vide Section 14, Regulation XXVI. 1814.

Persons

 Sections



# REGULATION IV.

Contempt of Court.

21st. Persons guilty of Contempt of Court in open Court, or of undue arrogation of Judicial authority, liable to fine, not exceeding Rupees 200—to be kept in close custody *until the fine be paid*—amount of fine to be regulated by the circumstances and situation of the offender.

Vide C. I. Section 6, Regulation XII. 1825.

Resistance to Process of Court.

22d. Courts how to proceed against Zemindars, independant Talookdars, and other actual Proprietors of Land, who may resist, or cause to be resisted, any order or process of the Court. On proof of resistance on oath, the offender to be summoned. If he shall abscond or conceal himself, to be Ishteared, (proclaimed) as in Sec. 11. If offender shall not appear, or if appearing, the charge shall be proved, the Court to decree the Zemindary, or Estate, in which the resistance may have been made, *forfeited to* Government, or if the resistance shall have been made out of the limit of the Estate, any other landed property the offender may possess within the limits of the jurisdiction of the Court to be forfeited. A copy of the decree and proceedings to be forwarded to the G. G. in Council, if the decree shall not be appealed within the prescribed time, in conformity to Sec. 12, Regulation V. 1793. If appealed and confirmed by Court of Appeal, and not further appealed to the S. D. A.

Modified, see Section 3, Regulation IX. 1799.

under

under Sec. 10, Regulation VI. 1793, Court of Appeal to forward to the G. G. in Council, a copy of the decree and proceedings in appeal. If the decision of Provincial Court of Appeal be further appealed to the S. D. A. and decree be confirmed by that Court, to transmit copies of decree and proceedings to the Governor General in Council, but no appeals from Provincial Court of Appeal to the S. D. A. allowed under this Section, unless the annual produce of Lands adjudged forfeited, exceed Rupees 1,000 (produce how calculated). S. D. A. may direct the Provincial Court to obtain necessary information on the produce of lands, and may admit or reject appeal as they deem equitable. Governor General in Council reserves the option of confirming, or of commuting to a fine, the forfeiture within *four weeks* after the receipt of the decree. In the event of the forfeiture being commuted, the Court which may have transmitted the decree to levy the amount of the fine by the same process as for enforcement of decrees. If the decree of forfeiture be confirmed, the Court to issue a precept to the Collector to sequestrate the Lands, either by the nearest Tehsildar, or by a separate establishment, according to the extent of the Lands.

Amended Section 3, Regulation IX. 1799.

23d. If the decree of forfeiture be confirmed, Governor General in Council may confer the Estate upon the heir of the offender, on his agree-

ing

ing to make good all sums due to Government, and pay the fixed Public Revenue, or if a dependant Tallookdar, the Revenue payable from it to the proprietor, or order the Lands to be sold under Regulation XLV. 1793.

24th. Vide Section 3, Regulation IX. 1799.

If offender be a Farmer of Land, holding a Farm of Government, the Court to proceed as above directed, and if offence proved, to decree the *lease cancelled* from the expiration of the year in which the decree may be passed. The same rules as above prescribed for carrying cause into appeal, and for submitting proceedings for the final decision of the Governor General in Council. The offender may be compelled to retain his Farm and pay a fine. The same to be levied in the manner prescribed for enforcing decrees of Court. If the lease of offender be annulled, and a balance shall be due from his Farm at the end of the year, himself and his sureties to be held responsible for the amount due. Offender may prosecute any under-tenants for rents due.

25th.

If the offender be neither a Landholder nor a Farmer, he is liable to such fine as may appear proper, on consideration of his circumstances, and if decision not appealed, the Court to proceed to levy the amount by the same process as for enforcing decrees for money.

Courts

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Trial of Suits in Zillah and City Courts. Delivery of Copy of Decree. Matter to be inserted in Decrees.

## REGULATION IV.

26th. Courts to insert in their decrees the names of witnesses whose depositions have been taken; the title of every exhibit read; the amount of the annual produce of Land, or sum of money, or value of property decreed. Authenticated *copies of decrees to be tendered to the parties* within ten days after the decree may have been passed; if either party shall omit to attend, or refuse to receive the copy, the cause of non-delivery to be written upon it, and in the margin of the record, opposite to the decree, under the official signature of the Register.

Vide Section 7, Regulation XV. 1816.

## REGULATION V.

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# REGULATION V.

*Provincial Courts of Appeal.*

COURTS ESTABLISHED.

2d. Modified Section 2, Regulation V. 1814. — Courts of Appeal established in the vicinity of Calcutta, at Dacca, Patna, and Moorshedabad, each Court to be superintended by *three Judges.*

Form of Oath to be taken by the Judges.

3d. — What Zillahs and Cities comprised within the jurisdiction of the above Courts respectively.

JURISDICTION.

4th. Vide Section 5, Regulation XIII. 1810. — Where the Provincial Courts are to be held. Number of *Court-days.* No decree, order, &c. to be made but on a Court-day, and in open Court.

5th. — Seals of the Court.

SUITS REFERRED TO P. C.

6th. Modified by Section 8, Regulation II. 1821. — Provincial Courts to try suits referred to them by the S. D. A. or Governor General in Council, and to cause their decrees to be *enforced by the Zillah Court.*

7th. Vide Section 4, Regulation VI. 1793. — Provincial Court may receive any original suits, cognizable in a Zillah or City Court, and command the Judge, by a precept, to receive and proceed to try such suit or complaint, provided it be proved, that the *Judge refused* to receive and proceed in it. Plaintiff neglecting to proceed in such suit for six weeks, it is to be dismissed, and in one week after dismissal, Judge to certify to the Court of Appeal, that the suit has been dismissed, and the grounds of dismissal.

8th. — Rescinded, vide Section 5, Regulation II. 1798.

Provincial

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## REGULATION V.

*Provincial Courts of Appeal.*

NOT TO CORRESPOND WITH PARTIES.

9th.

Section 2, Regultion XV. 1816.

Provincial Courts *not to correspond* with parties in suits or others respecting matters cognizable in the Courts—representations to the Court to be made in writing by the party concerned, or their authorised Vakeel. Order thereon, how passed by the Court. Courts prohibited corresponding by Letter, with the Judges of the Zillah and City Courts, unless especially empowered. All orders to be issued by a precept, or information required to be so obtained, and Judge to conform to the exigence of such precept, or return good and sufficient reason for not doing so.

TO REPORT TO S. D. A. NEGLECT OF JUDGE.

10th.

Explained Section 7, Regulation II. 1801.

Rescinded in part by Section 2, Regulation X. 1806. Judges of Provincial Court to report to the Sudder Dewanny Adawlut all instances of neglect or misconduct of Zillah Judges, not expressly provided for by this Regulation.

TRIAL OF SUITS.

11th.

In trial of suits referred to Provincial Courts by Sudder Dewanny Adawlut, or by the Governor General in Council, or an appeal from the Zillah and City Courts, the Provincial Courts to proceed in the same manner and under the same limitations as prescribed to the Zillah and City Courts.

APPEALS TO P. C.

12th.

Section 8, Regulation XXVI. 1814.

Persons deeming themselves aggrieved by a decision of a Zillah or City Court, at liberty to appeal to the Provincial Court of Appeal. What the petition of appeal is to contain. To be accompanied with a *copy of the decree*, or a written declaration from the party or his

Vakeel,

Provincial Courts of Appeal.

COPY OF DECREE.

Vide Section 4, Regulation XII. 1797, and Section 12, Regulation II. 1805.

Vakeel, that he applied for a copy of the decree within ten days, and was denied it. The petition is to be presented to the Zillah, City, or Provincial Courts within three months from the date of the decree, but *Provincial Courts may admit appeals* not preferred within the prescribed time, if satisfactory excuse be assigned for the delay. But in such cases to enter on the record of the trial their reasons for admitting the appeal. On a petition of appeal being preferredagainst a decree for land or real property, passed in favor of Plaintiff, all proceedings to be suspended, and *execution of the decree to be stayed* until final decision in appeal; provided *good security* be given by the appellant, in a sum equal to one year's amount of the annual produce of the land or estate, to abide by and perform whatever order may be passed by Provincial Court of Appeal—on failure of giving the required security on the *Court-day ensuing the day* on which the appeal may be preferred, the decree to be enforced. If the decree is carried into execution, security for the same amount to be given by party in whose favor it may have been passed (part rescinded*) When the *security* required has been entered into, the Judge to endorse on the petition the day of the month and the year on which it was presented, and sign his name; and cause to be written, in the margin of the record, opposite to

SECURITY FOR EXECUTION STAYED.

Modified C. 2, Section 11, Regulation XIII. 1808.

Vide Sections 3, 4, 5, & 6, Regulation V. 1798, and Sections 12 & 13, Regulation XIII. 1808, and Section 13, Regulation XXVI. 1814.

ENFORCEMENT.

Vide Section 2, Regulation XIII. 1796.

* Sections 9 & 10, Regulation II. 1798.

SECURITY.

Explained Sections 3 and 4, Regulation XII. 1797.

NOTICE OF APPELLANT. ENDORSEMENT.

to the decree of the Court, the word "Appealed," and transmit the petition to the Court of Appeal; the Court, at the same time, to notify to the appellant, that within fifteen days the proceedings in the cause appealed will be certified to the Provincial Court of Appeal, and that if he shall not proceed in the appeal within six weeks after it shall have been filed in the Provincial Court, his appeal will be dismissed, unless he show satisfactory cause for not having proceeded in it.

Vide Sections 3 and 4, Regulation XII. 1797.

TRANSMISSION OF RECORD OF TRIAL TO P. C.

13th. Judges of Zillah and City Courts to transmit to the Register of Court of Appeal the original proceedings within fifteen days after the receipt of the appeal. Previous to transmission, copies of proceedings to be made and attested by the Sheristadar, and deposited in the Court; such copies to be received in evidence. In cases where any part of the original proceedings (for reasons specified) cannot be sent, authentic copies of such to be transmitted in lieu of the originals. But originals of the rest of the pleadings to be transmitted. If originals mislaid, copies to be substituted and certified by the Judge.

14th. If petition of appeal be presented, in the first instance, to the Provincial

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## REGULATION V.

Provincial Court of Appeal.

PETITION OF APPEAL.

Vide Section 11, Regulation XIII. 1808.

vincial Court against a decree of a Zillah or City Court for real property, and no execution shall have taken place, (provided the party shall have entered into the prescribed security for staying execution) the Court to issue a precept to the Zillah or City Judge *to suspend execution* until the final decision in appeal. Provincial Courts not to proceed in appeal preferred, in the first instance, to them *until the appellant shall have entered into the required* security, should such security not have been taken by the Zillah or City Courts.

SECURITY.

Vide Section 10, Regulation II. 1798.

PROCESS OF P. C.

15th. All processes of Provincial Court of Appeal to be issued through the Zillah or City Courts, unless the parties against whom such process be issued, be in attendance in Court.—Every process, rule, or order, to limit a time for its being served, executed, and returned. Provincial Court of Appeal to report to Sudder Dewanny Adawlut, any neglect or refusal to obey such process or order by the Zillah or City Judge, or any false return that may be made. *The Judge liable to be suspended his office by the Sudder Dewanny Adawlut.* In cases of such suspension, the Sudder Dewanny Adawlut to notify the same to the Governor General in Council, within ten days, with the cause thereof, and certify the proceedings held in the cause, and, on requisition, transmit any further information necessary to enable the Governor General in Council to pass a determination on the suspension.

SUSPENSION OF A JUDGE BY S. D. A.

Explained and Extended Section 7, Regulation II. 1801.

All

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## REGULATION V.

*Provincial Court of Appeal.*

Execution of Process of P. C. and Returns by Zillah and City Judges.

16th. All process or orders for execution of decrees which may be directed by the Provincial Court, to Judges of Zillah and City Courts, to be executed by such Judge, and returned within the limited time, or sufficient reason assigned why it has not been executed. All such returns to be made by an endorsement on the process or order, or on a paper firmly affixed to it, and if in the last-mentioned manner, an endorsement to be made on the process referring the Court to the return made on such paper annexed—copies of the order and return to be deposited with the records of the Zillah or City Court. If the party, against whom such process may issue, shall abscond, so that it cannot be served upon him, Judge to cause a writing to be affixed up in the Court-room, containing a copy of the order or process, and a notice, that if the party shall not obey the exigence within the time limited, the Provincial Court will proceed to try and determine the case exparte. A copy of such notice to be affixed at the door of the house of the party concerned, or village of his residence, and return to the Provincial Court to be made, certifying the manner in which process has been executed.

17th. Provincial Court to proceed exparte, if the Judge of the Zillah

or

| 1793 | Sections | REGULATION V. |
|---|---|---|
| Exparte Appeal. | | or City Court, report that the party has absconded, or was not to be found after observance of the forms above directed. |
| Further Evidence. | 18th. Vide Section 8, Regulation XIII. 1808. | Provincial Courts, in cases where they may deem it proper, may take further evidence in suits in appeal, or refer the suit back to any Zillah or City Judge, accompanied by any special orders with regard to the new evidence he is to receive; but in every case the reasons for the exercise of this power are to be entered on the record of the trial. Provincial Court may take such evidence viva voce, *or order their Register to take it*, and authenticate it with his signature. How and in whose presence such evidence to be taken by the Registers. |
| Witnesses guilty of Perjury or Contempt. | 19th. Vide Section 10, Regulation XIII. 1808, and Section 11, Regulation XXVI. 1814. | Cases in which Provincial Court may dispense with the oaths of witnesses, or direct their evidence to be taken by commission. |
| | 20th. | Witnesses not attending, or refusing to give or sign their depositions, or guilty of wilful perjury, or contempt of Court, to be proceeded with in the manner in which the Zillah Courts are authorized to deal with witnesses so offending. |
| Six Weeks Limitation. | 21st. | Provincial Courts to dismiss appeals not proceeded on within six weeks; discretionary power to despense with this rule if appellant can shew sufficient cause for delay or omission. Reasons of Court, in all cases, to be recorded for dismissing an appeal, or permitting an appellant to proceed after default. |

*Provincial Court of Appeal.*

No

## REGULATION V.

*Provincial Court of Appeal.*

PROHIBITION AGAINST HEARING ANY PERSONS EXCEPTING THE PARTIES AND WITNESSES.

22d. Vide Section 2, Regulation XV. 1806.

No Person to be heard viva vocè in any stage of a cause before a Provincial Court of Appeal, except the Plaintiff or Defendant, appellant or respondent; their regularly constituted Vakeels, or their witnesses.

RESISTANCE OF PROCESS OF PROVINCIAL COURT.

23d. Process against a Proprietor of Land or dependant Talookdar, charged with resistance of process of Provincial Court of Appeal.

24th. If estate of offender be declared forfeited, the Governor General in Council may confer the same on the heirs, or dispose of it at public sale.

25th. Process against persons holding Farms of Government who may resist process of Provincial Court of Appeal.

26th. Process against persons not being Proprietors, Talookdars, or Farmers, resisting process of Provincial Court of Appeal.

27th. Provincial Courts empowered to order the Zillah and City Courts to enforce decrees for sums of money against Proprietors of Land by the same process as they enforce such decrees passed by themselves.

APPEALS IN CASES OF ARBITRATION.

28th. Petitions of appeal from decisions founded upon awards of arbitration to be dismissed with Costs, unless it be proved, on oath, to the satisfaction of the Court, that the arbitration has been grossly corrupt.

Proceedings

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## REGULATION V.

*Provincial Court of Appeal.*

WHAT DECREES FINAL.

29th. Vide Section 8, Regulation XXV. 1814.

Proceedings of Provincial Courts how to be numbered, marked, dated, and signed by the Register—Decrees to be *signed by Judges* present, and attested by the Register, and copies to be delivered to the parties.

30th. Extended by Section 2, Regulation XII. 1797, and Section 2, Regulation V. 1798.

Decrees of Provincial Courts final in suits for Land exempt from the payment of Revenue, the annual produce of which may not *exceed* 100 *Rs.* or for any landed estate or dependant Talook paying Revenue, the produce not *exceeding Rs.* 1000, or for personal property the value not *exceeding Rs.* 1000.

31st. Rescinded by Sec. 2, Regulation XIX. 1797.

32d. In cases for which no specific rule may exist, Provincial Court to act according to justice, equity, and good conscience.

REGULATION VI.

R

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Court of Sudder Dewanny Adawlut.

TO BE HELD IN CALCUTTA.

2d. Repealed, vide Sec. 2, and subsequent Sections of Regulation II. 1801.

3d. Vide Section 6, Regulation II. 1801.

Seal to be used by the Court of S. D. A. to be held in Calcutta—*Sittings* and adjournments—No act to be done but on Court-days, and in open Court.

REFERENCE OF SUITS TO ZILLAH JUDGES.

4th. C. 1. Sudder Dewanny Adawlut may refer original suits or complaints to the Zillah or City Courts for trial, on proof that the Judge omitted or refused to proceed in them, or that Provincial Court omitted or refused to command the Judge to receive or proceed in them under S. 7, R. V. Suit to be dismissed if complainant shall neglect to proceed in it for six weeks, and the Judge within one week to certify such dismission with the grounds thereof.

C. 2. Rescinded by Sec. 5, Reg. II. 1798.

REFERENCE OF APPEALS TO P. C.

5th. C. 1 Sudder Dewanny Adawlut may receive and refer for trial to Provincial Court Appeals from decisions of the Zillah and City Courts, on proof that the P. C. ommitted or refused to proceed in them. Appeal to be dismissed on omission of appellant to proceed in it for six weeks. P. C. within one week to certify such dismission to the S. D. A. with the grounds thereof.

C. 2. Rescinded by Sec. 5, Reg. II. 1798.

Sudder

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# REGULATION VI.

*Court of Sudder Dewanny Adawlut.*

Not to correspond.

6th. Sudder Dewanny Adawlut not to correspond with parties in suits, or with any persons respecting matters before the Court, or cognizable by it—any representation to the Court to be made in writing by the parties themselves, or their authorized Vakeels.

Trial of Suits.

7th. In trying matters in the first instance, or in appeals, the S. D. A. (with exception of hearing witnesses and receiving evidence) are to be guided by the rules prescribed to the Zillah and City Courts.

8th. Section 2, Regulation XVII. 1813. Rescinded by Sec. 2, R. X. 1806.

Certain cases of Appeals.

9th. C. 1. Cases in which the Court may decide upon appeals from decisions of the Courts, or Boards having appellate jurisdiction passed on or before the 6th April 1781, or from decisions passed by the Committee of Revenue subsequent to that date, and prior to the 1st May 1793; if such appeals not proceeded in for six weeks, to be dismissed.

C. 2. Court may admit appeals preferred to them after the period limited, on satisfactory cause of delay being shewn.

C. 3. Sudder Dewanny Adawlut empowered to confirm or reverse, in whole or in part, all decrees from which they may be authorized to receive appeals, and to make such further order on such decrees,

and

PETITION OF APPEAL.

and award such further costs to either party as they may deem consistent with justice, equity, and good conscience.

10th.

3 Months. SECURITY IF EXECUTION STATED.

See Section 2, Regulation XII. 1797, and Section 2, Regulation V. 1798, and Regulation XIII. 1808, and Section 5, Regulation XXV. 1814, and Sections 2 and 3, Regulation XXVI. 1814, Section 8, Regulation XXVI. 1814.

Vide Section 3, Regulation XII. 1797, and Section 12, Regulation II. 1805.

Modified C. 2, Section 11, Regulation XIII. 1808.

SECURITY IF ENFORCED.

Modified Section 2, Regulation XIII. 1796.

Persons considering themselves aggrieved by any decision of a Provincial Court, passed subsequently to 1st May, 1793, *(part rescinded)* at *liberty to appeal* to the S. D. A.—What the petition of appeal is to state; to be accompanied with *a copy of decree*, or with a declaration that the party applied within ten days for a copy and was refused it. To *what Court* the petition is to be presented. Period of appeal limited to three months. Court of S. D. A. competent, for special reasons, to admit appeals after the expiration of that period. Reasons for admitting or rejecting appeals to be recorded. If the appeal shall be against a decree for real property in possession of the party cast, at the time of passing the decree, execution of decree to be *suspended* until the final decision, provided the security required by Sec. 14, R. V. 1793, for performance of decree of the Court be given. But the decree to be executed, if the party omit to enter into the prescribed security before the *next Court-day*. If the execution of decree is made, security to be taken, from the party in whose favor decree is passed, for performance of final order of judgment of the S. D. A. In all cases the party appealing

SECURITY FOR COSTS.

* Rescinded Section 9, Regulation II. 1798.
Explained Section 3, Regulation XII. 1797.

appealing to give security in such sum as the P. C. may deem proper (not exceeding 500 Rs.*) for payment of costs which S. D. A. may award. When the *securities* of appellant may have been entered into, Senior Judge to endorse on the petition of appeal the date on which it may be presented, and to record the word "Approved," opposite to the decree, and transmit the petition to the S. D. A.

NOTICE TO APPELLANT.

Explained Section 3, Regulation XII. 1797.

*Notice* is to be given to the appellant, in writing, that within 15 days the proceedings will be certified to the S. D. A., nad that the appeal will be dismissed unless proceeded in in six weeks.

TRANSMISSION OF RECORD OF TRIAL.

11th. Record, including the original papers in the cause, to be transmitted to the Court within 15 days after the receipt of the appeal. Copies of originals, attested by the Sheristadar, to be deposited with the records of P. C. of Appeal. Such copies receivable in evidence. If the originals of any of the Documents or Exhibits can not be sent to the S. D. A., and originals lost, or mislaid, if copies previously taken, such copies to be deemed originals.

12th. If a petition of appeal be presented in the first instance to the S. D. A., whereby the right of real property shall have been decreed, and the party cast shall have been in possession of the property at the time the decree was passed, and no execution shall have taken

Execution of Decrees for Real Property.

taken place, and provided the party cast shall have given the prescribed security to the Provincial Court of Appeal to abide by and perform any order or decree of the S. D. A., the Court to order the Provincial Court of Appeal to *suspend the execution of decree* until the final decision in appeal, and if no security shall have been taken from the appellant by the Provincial Court of Appeal, S. D. A. not to proceed in the appeal until the appellant shall have entered into the *prescribed security*.

Modified C. 2, Section 11, Regulation XIII. 1808.

Vide Section 10, Regulation II. 1798.

Process of S. D. A.

13th. All processes of S. D. A., exclusive of processes against parties, or their Vakeels in attendance, to issue through the P. C. of Appeal. Every process to limit a certain time for the execution and return. *Judges of P. C. Appeal* liable to be *suspended by the S. D. A.* for refusing or omitting to obey or corform to their process, or requisitions, or for making a false return. The S. D. A. to report to the Governor General in Council, the suspension of Judges under this Section, with the cause thereof, within ten days, and are to certify proceedings, &c. in the case, with any further information required, or necessary, to enable the Governor General in Council to form a decision on the case. S. D. A., if they deem proper, may issue any process immediately through the Judges of Zillah or City Courts, instead of through the Provincial Court of Appeal. In such cases, process to be executed and returned immediately

Vide Section 7, Regulation II. 1801.

Suspension of Judges for False Returns or Neglect.

*Court of Sudder Dewanny Adawlut.*

P. C. TO EXECUTE PROCESS OF SUDDER DEWANNY ADAWLUT.

diately to the S. D. A., and Judges liable to the same penalties for making false returns, or other default, in execution of orders in the process, as if the same had been issued by the Provincial Court.

14th. Provincial Court to execute all process issued to them by the S. D. A., and return it, so executed, within the time limited, or assign sufficient reason why it has not been executed. Return to be made in the manner prescribed in Sec. 16, R. V. of 1793. A copy of process and return to be deposited with the records of Provincial Court of Appeal. In the event of party absconding, so that the process cannot be served upon him, Provincial Court to proceed in the manner directed in Sec. 16, R. V. 1793.

EXPARTE TRIAL.

15th. Sudder Dewanny Adawlut to proceed to try the cause exparte, when the Provincial Court shall report the party not forth-coming, after observance of forms directed.

FURTHER EVIDENCE.

16th. Sudder Dewanny Adawlut empowered, in certain cases, to take new evidence in appeals, or refer them back for further evidence to P. C. A., accompanied by any special directions they may deem necessary. Reasons for the exercise of this power to be recorded on the trials. When the Court may receive such evidence, they may either examine the witnesses, vivâ voce, in open Court, or may authorize their Register to take their depositions—Register how to proceed in taking such evidence.*

Cases

* Query. Perjury of such witnesses in what Court cognizable?

# REGULATION VI.

| Marginal note | Sections | |
|---|---|---|
| | 17th. Vide Section 11, Regulation XXVI. 1814. | Cases in which the S. D. A. may dispense with oaths of witnesses, or direct their evidence to be taken by commission. |
| Contempt or Perjury of Witnesses. | 18th. Vide Regulation II. 1807. (Fouzdary). | Witnesses not attending, or refusing to be sworn, or give evidence, or to sign their depositions, or any persons guilty of Contempt of Court, or *Perjury*, to be proceeded with as directed by Sec. 20, R. V. 1793. |
| Default of Appellant. | 19th. | Court to dismiss appeals in which appellant may omit to proceed for six weeks without shewing sufficient cause—may award respondent's costs of suit—in all cases to record their reasons for refusing or allowing appellant to proceed. |
| | 20th. Vide Section 2, Regulation XV. 1816. | No person to be heard vivâ voce, *except principals, their witnesses,* or *Vakeels.* |
| | 21st. | Sudder Dewanny Adawlut empowered to order the P. C. A. to enforce decrees for sums of money against proprietors, by the same process as those Courts are empowered to enforce decrees passed by themselves. |
| Appeals from Awards of Arbitrators. | 22d. | Petitions of appeal from decisions founded on awards to be dismissed with costs, unless proved, by oath, that the arbitrators have been guilty of gross corruption or partiality. |
| Adjournment. | 23d. | Court empowered to authorize Provincial Zillah or City Courts to make occasional adjournment, not exceeding two months in the year. |

Sudder

*Court of Sudder Dewanny Adawlut.*

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|---|---|---|
| Resistance of Process of S. D. A. | 24th. | Sudder Dewanny Adawlut how to proceed against persons resisting their process—If proprietors of lands, liable to confiscation of their estate, commutable to a fine by the Governor General in Council. |
| | 25th. | If forfeiture confirmed, the Governor General in Council may confer the estate (conditionally) on the heirs of the offenders, or direct a sale under R. XLV. 1793. |
| | 26th. | Farmers, holding farms of Government, resisting process of S. D. A., liable to annulment of lease, commutable to a fine. |
| | 27th. | Persons not proprietors or farmers, liable to a fine to Government—penalty, how levied. |
| | 28th. Vide Sections 8 and 16, Regulation XXV. 1814. | Proceedings of S. D. A. how numbered, marked, and signed. Decrees to be *signed by the Judges,* attested by the Register, and copies to be delivered to the parties. |
| Decrees final. | 29th. Modified Regulation XVI. 1797. | Decrees of S. D. A. *final in all suits.* |
| | 30th. Modified Section 18, Regulation II. 1801. | Provincial Court to furnish S. D. A. with *translates of proceedings.* |
| | 31st. | In cases for which no specific rule may exist, Court to act according to justice, equity, and good conscience. |

REGULATION VII.

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| 1793 | SECTIONS | REGULATION VII. |
|---|---|---|
| | | Rescinded by Sec. 2, Regulation XXVII. 1814. |

## REGULATION XII.

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| *Appointment of Law Officers of Civil and Criminal Courts.* | 2d. Modified Section 10, Regulation V. 1804, and Section 4, Regulation VIII. 1809, and Section 5, Regulation XVIII. 1817. | Law Officers of Civil and Criminal Courts to be appointed by *Governor General in Council,* and not removable but on proof of incapacity, misconduct, or gross profligacy, proved to his satisfaction. |
| | 3d. | Law Officers to be persons of unblemished moral character, and well versed in the law. |
| | 4th. | Mohameden Law Officers of Sudder Dewanny Adawlut and Provincial Court of Appeal to be Law Officers of the Nizamut Adawlut and Court of Circuit. |
| OATH. | 5th. C. 1. | *Oath* to be taken by Law Officers. |
| | Modified Section 2, Regulation XVIII. C. 2, 1817. | Rescinded by Sec. 4, R. XVIII. 1817. |
| | 6th. Modified Section 2, Regulation XVIII. 1817. | Mohameden Law Officers of S. D. A. and Provincial Court of Appeal *to take the Oaths* in Regulation IX. 1793, as Law Officers of Criminal Courts. |
| | 7th. | Declaration to be made by Pundits of the Courts of Civil Judicature. |
| CHARGE OF CORRUPTION, &c. | 8th. C. I. Explained Section 10, Regulation X. 1806. These Provisions explained, Section 6, Regulation XVIII. 1817. | Rules contained in Sec. 9, R. XIII. 1793, respecting *charges of corruption* or extortion against Ministerial Officers of the Civil and Criminal Courts applicable to the Hindoo and Mohameden Law Officers, with the following qualification. |

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1793 | SECTIONS

*Appointment of Law Officers of Civil and Criminal Courts.*

APPEALS FROM DECISIONS.

## REGULATION XII.

C. 2. An appeal to lie to the Sudder Dewanny Adawlut in all cases against any decision of Provincial Courts on charges of corruption or extortion against Law Officers.

C. 3. No decision of a Zillah or City Court, or Provincial Court of Appeal, whereby such charges may be decreed to be proved against a Law Officer, to be carried into execution, if an appeal be preferred, and the security required by Sec. 12, Regulation V. 1793, and Sec. 10, Regulation VI. 1793, be previously given by appellant.

C. 4. Zillah and City Courts to enforce all decrees adjudging their Law Officers guilty of corruption or extortion, if not appealed within the limited time, and transmit a copy of decree to the Governor General in Council.

C. 5. Same rule applicable to decrees of Provincial Courts of Appeal.

Sudder

1793 | SECTIONS

# REGULATION XII.

*Appointment of Law Officers of Civil and Criminal Courts.*

TRANSMISSION OF DECREES TO THE G. G. IN COUNCIL.

C. 6. Sudder Dewanny Adawlut to transmit to the Governor General in Council copies of decrees passed by them, adjudging any Law Officers guilty within one week after it may be passed.

C. 7. Vide Regulation V. 1804, and Sections 2 & 4 Regulation VIII. 1809.

(Part superseded) *Governor General in Council will determine* whether a Law Officer, convicted of corruption or extortion, shall be declared incapable of holding any future public trust. Likewise reserves the power of suspending any Law Officer, pending investigation†.

C. 8. * This Regulation is confined to Civil Actions for damages. Offenders are declared liable to be criminally prosecuted by Regulation XVIII. 1817, Clause 1, Section 6.

All final decrees adjudging such charges* not proved to be transmitted to Governor General in Council, provided the complainant or prosecutor shall not appeal within the limited time, S. D. A. to transmit to Governor General in Council copies of all decrees, passed by them, wherein charges may be declared not proved.

VACANCIES.

9th. Modified Sections 2, 3, and 4, Regulation VIII. 1809.

Vacancies in the situation of Law Officers *how supplied.*

(Rescinded

† *Note.* It seems doubtful whether the provisions contained in Clauses 4, 5, 6, 7, and 8, are not virtually superseded by Regulation V. 1804, and Regulation VIII. 1809, by which the power of appointing and removing Law Officers is transferred from the Governor General in Council to the Court of Sudder Dewanny and Nizamut Adawlut. Yet by Clause 3, Section 6, Regulation XVIII. 1817, a report of convictions on Criminal Prosecution is required to be made to Government.

1793 | Sections

*Appointment of Ministerial Officers to the Civil and Criminal Courts.*

# REGULATION XIII.

Oaths by Registers and Assistant Nazirs.

2d. Vide Section 2, Regulation V. 1804. Vide Regulation VIII. 1809, and Regulation XVII. 1816, respecting the Appointment and removal of Ministerial Officers.

(Rescinded in part.) Nazirs to appoint their own Naibs, Mirdahs, Peons, &c. to enter into a penalty-bond for good behaviour of their subordinate officers—Courts empowered to take similar obligations from the other officers of the Court.

3d. C. 1

Cath to be subscribed by Registers and their Assistants, and other Ministerial Officers of the Courts, being covenanted servants of the Company.

## FORM OF OATH.

C. 2.

Registers to S. D. A. and Provincial Courts of Appeal, their Assistants, and other Ministerial Officers, being covenanted servants, to take the Oath prescribed by Reg. IX. 1793, in their capacity as Officers of the Criminal Courts.

Oaths by Native Officers.

4th. Explained and extended Sections 2 & 3, Regulation XVIII. 1817.

*Oath* to be taken by Native Officers of *Civil* and Criminal Courts.

## FORM OF OATH.

5th.

Registers and Ministerial Officers of the Courts to perform all official acts prescribed to them by the Judges.

6th.

Rescinded by Sec. 2, Reg. VIII. 1794.

Absence of Judge.

7th. Vide Sections 5 and 6, Regulation IV. 1796, and Section 14, Regulation II. 1805.

Registers of the Zillah and City Courts, in the event of the temporary absence or indisposition of the Judges, not to officiate as Judges without the sanction of the Governor General in Council, nor to exercise any judicial powers, Civil or Criminal, but such as are vested in them by the Regulations of Government.

Registers

CHARGES AGAINST NATIVE OFFICERS.

8th. Registers to procure all acts of the Court to be executed. The Assistants and Native Officers to assist the Registers in the above duty, &c.

9th. C. 1. *(Rescinded in part.)* Native Officers amenable to the Courts to which they are attached for charges of corruption or extortion. Oath to be made and *security* given previous to any charge being received—and in failure, the Courts not to receive the charge.

Vide Section 3, Regulation X. 1806, and Regulation XVII. 1813.

Vide Section 10, Regulation X. 1806.

CHARGES AGAINST OFFICERS OF P. C. A.

C. 2. Courts of S. D. and N. A. on oath being made, and *security* given, empowered to receive charges of corruption or extortion (not relating to any suit or matter depending before them) against the Ministerial Officers of P. C. of A. or Court of Circuit, and refer it to the Court by precept, provided it be proved, by complainant, that the Court of Appeal or Circuit omitted or refused to receive such charge, notwithstanding that he offered to make oath of its truth, and to give the required *security*. But if the charge relate to any matter depending before, or decided by, the Provincial Court of Appeal or Circuit, the charge may be received without further enquiry, and referred to the Provincial Court, provided *security* be previously given, and oath or declaration made.

Vide Section 10, Regulation X. 1806.

C. 3. Sudder Dewanny and Nizamut Adawlut may receive charges against the Ministerial Officers of the Zillah and City Courts, under the circumstances specified in the above clause; and, provided it shall appear,

CHARGES AGAINST OFFICERS OF ZILLAH AND CITY COURTS.

appear, that the charge was rejected by the P. C. of A. as well as by the Zillah or City Court—also may receive charges against any Ministerial Zillah or City Officer, which may have been preferred, in the first instance, to a Provincial Court. But if the charge relate to any matter depending before, or decided by, the Sudder Dewanny Adawlut, the charge may be received and referred without further enquiry; oath being previously made, and *security* given. Ditto ditto, C. 3.

RECEIVABLE BY P. C. A.

C. 4. Provincial Court of Appeal empowered to receive charges of corruption or extortion against Ministerial Officers of Zillah and City Court, on proof of such charge having been rejected by the Zillah or City Court; previous oath being made and *security* given. (Ditto ditto.) But if the charge relate to any matter depending before, or decided by, a Provincial Court, the charge may be received and referred to the Zillah or City Court without further enquiry; oath being previously made, and *security* given. (Ditto ditto.)

DISCRETIONARY POWER OF S. D. A.

C. 5. If the S. D. or N. A. shall receive any charge of corruption or extortion against any Ministerial Officer of a Provincial Court of Appeal or Circuit, or the Zillah or City Court, and it shall appear objectionable to refer the charge for trial to the Court to which the accused may be attached, the Court may try the charge themselves, or if against an Officer of a Zillah or City Court, may refer it for trial to P. C. A.

If

## REGULATION XIII.



CHARGES OF CORRUPTION, &c. TO BE TRIED IN CIVIL ACTION.

C. 6. If the P. C. shall deem it objectionable to refer for trial to the Zillah or City Court any charge against any Ministerial Officer of such Court preferred to them; to report to the S. D. A. the grounds of such objection, and the S. D. A. empowered to cause the charge to be tried by the Provincial or Zillah Court, as they may deem proper.

C. 7. Explained and Modified C. 1, Section 6, Regulation XVIII. 1817.

Charges of corruption and extortion preferred against Ministerial Officers, under this Section, to be conducted *as civil actions*, and prosecuted in the Civil Courts. Whenever the Sudder Dewanny or N. A. may receive such charges against their own Officers, they are to *direct* the complainant to prosecute the charge in the *Sudder Dewanny Adawlut.* In like manner the P. C. A. and Zillah and City Courts respectively to *direct complainants* to prosecute in the *Dewanny Court or P. C. of Appeal.*

Ditto ditto.

PENALTY ON CONVICTION.

C. 8. If the accused shall be proved guilty, to refund the amount received or extorted, and pay a fine of three times the amount to Government; payment to be enforced, if decision be not appealed from within the time limited for appeals—or an appeal not lie—Court, by which final decision may be passed, to transmit a copy to the Governor General in Council, who reserves the power of declaring such officer incapable of serving Government—Courts may suspend the accused during the investigation of the charge.

C. 9, 10, 11. Rescinded by Section 3, Regulation X. 1806.

Officers

SECTIONS

## REGULATION XIII.

FALSE COMPLAINT.

C. 12. Officers at liberty to prosecute persons preferring groundless charges against them, under this Section, in the Court to which they may be amenable.

REGISTERS AND ASSISTANT.

10th. Courts of Appeal, and Zillah and City Courts, to report to the Sudder Dewanny and Nizamut Adawlut, any *misconduct of their Registers or Assistants.*

Vide Sections 7 and 14, Regulation II. 1801.

DEPENDANTS OF JUDGE GUILTY OF EXTORTION, &c.

11th. If any dependant, or native servant of any Judge of a Civil or Criminal Court, not being a public officer attached to such Court, shall extort or receive any money or other valuable consideration from any party on account of any suit to be instituted, depending or decided, to be committed as for a contempt of Court, and punished, by fine, equal to three times the amount received, or by imprisonment, or corporal punishment,* at the discretion of the Court, and the Judge required to discharge such dependant. Copy of the final decision, whether appealed or not, to be transmitted to the Governor General in Council, who, in addition to the above penalties, may declare the offender incapable of serving Government in any public capacity.

## REGULATION XV.

* As such offenders are, by this Regulation, expressly exempted from Criminal Prosecution, (C. 7, S. 9,) the infliction of corporal punishment, at the discretion of the Judge, in an Action for Damages, appears repugnant to the principles of justice.

1793

*Fixing the Rates of Interest on Loans.*

## REGULATION XV.

| Subject | Sections | |
|---|---|---|
| Rate of Interest previously to 1793. | 2d. C. 1 to 3. | Rates of interest which may be allowed by the Courts of Judicature, if cause of action shall have arisen previously to 28th March 1780. |
| | 3d. C. 1, 2 & 3. | Ditto if cause of action shall have arisen between the 28th March 1780, and 1st January 1793. |
| Rate of Interest subsequent to 1793. | 4th. | If cause of action shall have arisen on or after the 1st January 1793, Courts of Judicature not to decree interest above 12 per Cent. per annum. |
| | 5th. | Lower rates to be decreed if stipulated. |
| | 6th. | Courts not to decree a greater sum for interest than the amount of the principal, except in cases specified in Section 12. |
| Compound Interest. | 7th. | Compound interest, arising from intermediate adjustment of accounts, not to be allowed, unless a new bond shall have been executed, and legal interest due consolidated with the principal. |
| | 8th. | Courts not to decree any interest on bonds or agreements oı which a higher rate of interest is specified than that allowed. |
| E[illegible] of this Regulation. | 9th. | Suit to be dismissed with costs when the cause of action shall hav arisen subsequently to the 28th March, 1780, if any attempt is mad to evade this Regulation, by a deduction from the loan or by an other means. |

1793 — SECTIONS

*Fixing the Rates of Interest on Loan.*

## REGULATION XV.

LOANS ON MORTGAGE OF REAL PROPERTY.

10th. In cases of mortgage of real property, executed prior to the 28th March, 1780, the usufruct of the property to be in lieu of interest on the mortgage bond, according to the usage of the country, provided it be so stipulated by the parties. Subsequently to the above date, legal interest to be allowed on mortgage bonds for real property; and such mortgages to be considered cancelled and redeemed, whenever the principal sum, with simple interest due thereon, shall have been realized from the usufruct of the mortgaged property, or otherwise liquidated by the mortgagers.

11th. Mortgagee required, for the adjustment of accounts in cases where he shall have had the usufruct of the property, to deliver in true accounts of his receipts and disbursements, and to swear to the same. Mortgager permitted to examine the accounts, and after hearing any objections he may offer, or examining any evidence of the parties respecting them, the Courts to adjust the accounts.

RESPONDENTIA LOANS.

12th. Rules in preceding Sections not to extend to respondentia loans, or policies of insurance—by what rule interest thereon to be regulated.

Courts

1793 — Sections

# REGULATION XVI.

*For Referring Suits to Arbitration.*

Suits referrible. Selection and Appointment of Arbitrators.

2d. Extended Vide Regulation VI. 1813.

Courts empowered to recommend to parties to refer to arbitration suits exceeding 200 Rupees, concerning disputed accounts, partnerships, debts, deceitful or contested bargains, and non-performance of contracts.

3d.

In suits for personal property not exceeding Rupees 200, the Courts, with consent of parties, may refer to the decision of one arbitrator, to be chosen by the parties on the next Court day. If the parties cannot agree in the appointment of an arbitrator, or the person approved by them shall refuse to arbitrate, Court (with the consent of the parties) to appoint an arbitration. From what description of persons to be selected. If parties can neither agree in the appointment of an arbitrator, or approve the person nominated by the Court, suit to be tried by the Court. Parties not restricted from chusing two or more arbitrators under this Section.

Persons prohibited from acting as Arbitrators.

4th. Modified Section 2, Regulation XXVII. 1814.

Courts to encourage, but not oblige, persons to become arbitrators. No public officer, or *Vakeels*, or private servants, to become arbitrators. Courts to recommend to the parties to submit their suits to the arbitration of one person. In every case (with exception of that specified in above Section,) parties to chuse the arbitrators, who are to decide the matter without fee or reward.

5th.

Previous to the arbitrator or arbitrators entering upon the arbitration, Court to cause the parties to execute an arbitration-bond to abide

1793 | Sections

## REGULATION XVI.

*Referring Suits to Arbitration.*

Arbitration Bond.

abide by the award—Court to fix a reasonable period for delivery of the award to be specified in the arbitration-bond. The umpire to be nominated and specified in the bond, whose award, in the event of the arbitrators not delivering their award from disagreement or other cause within the time limited, shall be final.

Suits how Arbitrated.

6th. After execution of the arbitration-bond, suits, in what manner to be referred by the Courts, and arbitrators how to proceed—process by Court for causing attendance of parties and their witnesses, to be examined on oath—parties not attending, or witnesses refusing to give evidence, subject to the like disadvantages and penalties as they would be by the Court, provided a report be made by the arbitrators to the Judge, with the grounds of their order, and the Judge confirm that order under his signature—Court may grant commissions to arbitrators to administer oaths to witnesses.

7th. Court may extend the period for delivering the award, if necessary.

Award.

8th. Final award, with all proceedings and documents, to be delivered into Court under the seal and signature of arbitrators. Court to pass a decree conformable to the award to be executed as other decrees of Court.

Award

1793 | SECTIONS

*Referring Suits to Arbitration.*

## REGULATION XVI.

9th. Award not to be set aside unless it be fully proved that the arbitrators have been guilty of gross corruption or partiality.

DEPENDANTS OF NAZIM.

10th. Cases in which both parties are dependants of the Nazim, to be referred for justice to his Excellency, or any person he may appoint. If the defendant alone be a servant of the Nazim, Court may use its discretion in trying the case or referring it, due regard being had to the dignity and established rights of the Nuwaub.

*Records of the Civil and Criminal Courts.*

1793 | SECTIONS

## REGULATION XVIII.

2d. Two native officers to be appointed in each Court to keep the Records of the Civil and Criminal Courts.

3d. Amended Regulation V. 1804, Regulation VIII. 1809. To hold their offices during good behaviour, and removable only by the *Governor General in Council.*

4th. To keep a list of records in a book, paged and attested by the Register and Assistants to the Courts.

5th. Number of the page in which papers may be entered in the register to be endorsed on the back of them.

6th. To be careful that records are not destroyed by damp, &c.

7th. Liable to dismission for neglect in preserving the records, or if not forth-coming without good reason.

8th. To observe all rules prescribed by the regulations, or directions by the Court for preserving or registering records.

9th. Book of daily proceedings of the Court to be kept in the native languages in each Court—entries to be made attested by the Judge.

10th. Rescinded by Section 16, Regulation V. 1798.

11th. Vide Section 7, Regulation XXXVII. 1795, and Section 10, Regulation VIII. 1794, and C. 10, Section 12, Regulation XXIV. 1814. *Monthly Abstract* register of causes decided, to be transmitted on the 15th of ensuing month, to the Register of S. D. A. & P. C. A. —form of abstract.

12th. Ditto ditto. *Half-yearly Reports* of undecided causes to be transmitted to S. D. A. & P. C. A.—form of report.

P. C. A.

| 1793 | SECTIONS | REGULATION XVIII. |
|---|---|---|
| Records of Civil and Criminal Courts. | 13th. | P. C. A. to keep a book of daily proceedings, similar to that described in the 9th Section, attested by the Register. |
| | 14th. | Rescinded by Section 16, Regulation V. 1798. |
| | 15th. Section 3, Regulation XXXVII. 1795. | *Monthly Abstract* register of causes or appeals, decided, to be kept by the P. C. A. and transmitted on the 15th of each month, to the S. D. A.—form of abstract. |
| | 16th. | Half-yearly report of undecided causes to be transmitted by P. C. A. to S. D. A.—form of report. |
| | 17th. | S. D. A. to keep a book of their daily proceedings, and a separate record of causes or appeals, as prescribed in Sections 13 and 14. |
| | 18th. | S. D. A. to submit to the G. G. in C. for transmission to the Court of Directors, half-yearly abstract of causes decided by them—form of abstract. |
| | | REGULATION XX. |

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## REGULATION XX.

*Courts empowered to propose Regulations.*

To be forwarded to Court of Appeal by Zillah or City Judges.

2d. Civil and Criminal Courts empowered to propose Regulations on matters coming within their cognizance.

3d. Judge of a Zillah or City Court proposing a Regulation to draft it in the form prescribed by Regulation XLI. 1793, and submit it to the Provincial Court of Appeal or Court of Circuit.

4th. Such draft to be transmitted to the Register of the Provincial Court of Appeal, or Circuit, by the Register or Assistant to the Zillah or City Court, under his signature and seal of the Court, with a copy of the order of the Judge or Magistrate for such transmission.

5th. Court of Appeal, or Circuit, to take the Regulation into consideration if properly drafted and transmitted, otherwise to be returned under the seal of the Court and signature of the Register, concisely stating the informality, and the Judge or Magistrate to re-submit it in the mode prescribed.

Court of Appeal how to proceed.

6th. If the Provincial Court of Appeal or Circuit shall approve or disapprove entirely of the Regulation, to forward a draft of it to the Register to the S. D. A. or N. A. with a letter stating the grounds of their approval or disapproval.

7th. If Court of Appeal or Circuit shall approve the Regulation in part only, to forward an attested copy of the proposed Regulation with a separate

## REGULATION XX.



DIFFERENCE OF OPINION AMONGST THE JUDGES OF APPEAL AND CIRCUIT.

separate draft of the Regulation, framed agreeably to their own opinion, with a letter, stating their reasons for any suggested alteration.

8th. If a difference of opinion of the Judges shall arise, each Judge at liberty to record his opinion on the proceedings, together with a draft of the Regulation framed agreeably to his opinion, but if he approve, or reject altogether the Regulation, only to state the grounds of the same on the proceedings of the Court. Court to submit the Regulation proposed, with their own proceedings respecting it, to the Sudder Dewanny or Nizamut Adawlut.

S. D. A. AND NIZAMUT ADAWLUT TO FORWARD THE REGULATIONS TO GOVERNMENT.

9th. S. D. or N. A. to submit all proceedings or documents received from the Court of Appeal or Circuit to the G. G. in Council. If they disapprove the Regulation altogether, or approve of any of the drafts, with a separate letter, stating the grounds of such approval or disapproval, or if they deem it advisable to adopt any of the drafts, with alterations, to submit a draft of a Regulation, framed agreeably to their own opinion, with a separate letter stating their reasons for any alterations suggested.

10th. Court of Appeal or Circuit not to communicate to the Judge or Magistrate, their opinion on the Regulation he may have proposed to them, but the S. D. or N. A. may require information from the Judge

*Courts empowered to propose Regulations.*

TO BE RETURNED IF NOT PROPERLY SUBMITTED BY P. COURT OF APPEAL.

Judge or Magistrate direct on any points, but not through the Court of Appeal or Circuit. In such cases to submit their queries with the answers of the Judge or Magistrate to the Governor General in Council. S. D. A. may likewise require such information regarding any proposed Regulation from the P. C. or Court of Circuit.

11th. Court of Appeal or Circuit, or any of the Judges of those Courts, may propose Regulations, drafted in the manner prescribed. If the Regulation be proposed by the Court collectively, and approved of unanimously, the draft to be submitted to the S. D. A. or Nizamut Adawlut. If a difference of opinion exist, the Judges to record their sentiments on the proceedings of the Court, with a draft of a Regulation framed agreeably to their respective opinions; but if any of the Judges should be of opinion that the Regulation should be adopted or rejected altogether, he shall only state the grounds of such opinion on the proceedings of the Court.

12th. On receipt of such draft of Regulation the S. D. or N. A. to proceed as directed in the 9th Section.

13th. S. D. or N. A. to return to the P. C. of Appeal or Court of Circuit any Regulation originating with them which may not be drafted or submitted in the manner prescribed, pointing out to them the deviation, and such Court to return the draft corrected.

S. D.

## REGULATION XX.

1793

*Courts empowered to propose Regulations.*

SECTIONS

REGULATIONS PROPOSED BY S. D. A. OR N. A.

14th. S. D. and N. A. to draft Regulations which they may propose in the prescribed form.

REJECTION OR ADOPTION BY THE G. G.

15th. Governor General in Council will reject or adopt the proposed Regulation, or pass such Regulation as may appear proper.

## REGULATION XXVIII.

## REGULATION XXVIII.

| Sections | | |
|---|---|---|
| BOND TO BE EXECUTED. | 2d. | E. British subjects (with exception of King's and Company's Officers Civil and Military) not to be permitted to reside more than ten miles distant from Calcutta, unless they enter into a bond rendering themselves amenable to the Dewanny Court within the jurisdiction in which they may reside, in all suits instituted against them by the Natives not exceeding Rupees 500. |
| | 3d. | Form of bond to be executed. |
| | 4th. | To be executed before the Judge, and to be deposited among the Records of the Court. |
| NEW BOND. | 5th. | New bond to be executed when any such British subject shall remove into another jurisdiction, and within ten days after their arrival within such jurisdiction to attend the Judge to execute the prescribed bond. In default of which, to be summoned to appear by a writing under the seal of the Court, and attested by the Register. |
| REFUSAL TO ATTEND. | 6th. | On refusal to attend, or execute the prescribed bond, to be required, by a written order from the Judge, under his official seal and signature, to repair to Calcutta within one month; on non-compliance, the Judge to send him to Calcutta under charge of his officers. |
| | 7th. | Any person not amenable to the Zillah or City Courts, who may institute |

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*European British Subjects.*

On Institution of Suits.

## REGULATION XXVIII.

institute a suit in such Court, in behalf of himself or another, to execute a bond, declaring himself amenable to the jurisdiction of the Court for so much as shall relate to the suit in question.

Amended Section 2, Regulation II. 1797. — Plaint not to be received unless such *Bond* be executed.

### FORM OF BOND.

8th. — All Europeans, not British Subjects, and residing out of Calcutta, are amenable to the Zillah or City Courts of Dewanny Adawlut.

## REGULATION XXXV.

*Reform of Coin.*

Section 2d. Vide Regulation LXII. 1795. — Mints established at Patna, Dacca, and *Moorshedabad*, besides Calcutta—Coin to be struck—Weight and standard of coin.

3d. — What gold coin is to be considered a legal tender of payment.

4th to 10th. Vide Regulation II. 1812. — Provisions for receiving money or bullion, and for preventing debasement of coin.

11th. — Magistrates of Cities to visit, in person, the Mints once a fortnight.

12th. — Persons charged with counterfeiting or debasing coin, to be committed for trial to the Criminal Court.

Defaced

| 1793 | Sections | REGULATION XXXV. |
|---|---|---|
| For preventing the Debasement of Coin. | 13th to 16th. Vide Section 3, Regulation II. 1812. | Defaced coin not a legal tender of payment—Rates at which Rupees not being Nineteen Sun Sicca to be received. |
| | 17th. | Rupees of sorts, received at the public Treasury, to be sent to the Mint to be re-coined. |
| | 18th. | After 10th April, 1794, what coins legal tenders. |
| | 19th. | Bonds, &c. executed previous to the above date, may be discharged in coin therein specified, or in Rupees of the Nineteenth Sun, at the established rate of exchange. |
| | 20th. | Rescinded by S. 2, Reg. XIII. 1807. |
| | 21st. Vide Section 2, Regulation XIII. 1807. | Engagements on the part of Government, for investment, &c. or on the part of Zemindars and others with their Ryot, to be in the established coin, otherwise arrears not recoverable. |
| | 22d. | Native Public Officers of Treasuries refusing to receive established coin to be dismissed, and liable to costs and damages in the Civil Court. |
| | 23d. | And liable to fine and dismission for receiving any other coin than Nineteen Sun, after 10th April, 1794. |
| | 24th to 27th. | Relative to the Mint. |
| | 28th. | European and Native Officers of Government, liable to be sued for damages in the Zillah Courts, for any breach of the Regulations respecting coin. |

REGULATION XXXVI.

Registry of Wills and Deeds of Sale, Mortgage, &c.

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## REGULATION XXXVI.

2d. An Office of Registry of Wills and Deeds to be established in each Zillah or City, to be superintended by the Register—Form of Oath to be taken.

3d. C. 2 to 6. Vide Regulation XX. 1812. Specification of *Deeds or Instruments* to be registered.

4th. Option left the party to register or not Deeds executed prior to the 1st January, 1796.

5th. Optional with the party to register or not Deeds specified in the three last Clauses of Section 3, whether executed prior or subsequent to the above date.

6th. C. 1. Deeds of Sale or Gift, executed subsequent to 1st January, 1796, and duly registered, provided their authority be establiseed in the Court, to invalidate any subsequent other Deed of Sale or Gift of the same property not registered, whether executed prior or subsequent to the above date.

C. 2. Deeds of Mortgage executed subsequent to 1st January, 1796, and duly registered, if their authenticity be established, shall be satisfied in preference to any other mortgage on the same property, not registered.

C. 3. But the registry of such Deeds not to invalidate any previous Deed of Gift, Sale, or Mortgage, though the latter should not be registered, if

if the subsequent purchaser, donee, or mortgagee, knew the property to have been previously given, sold, or mortgaged.

7th. Registry of deeds to be made in the office of the Register of the district. If property situated in two or more jurisdictions, deeds affecting it to be registered in each jurisdiction.

8th. C. 1. Vide Section 6, Regulation XX. 1812. Each description of deeds to be registered in a separate book, —(how paged and attested.)

C. 2. Every deed registered to be numbered and dated, and note to be entered in the margin of the registry book.

9th. C. 1. Vide Section 2, Regulation XX. 1812. The following *Forms* to be observed in the registry of deeds.

C. 2. Parties executing the deed, or their authorized representative, with witnesses to the execution of it, to attend the Register to prove its execution upon oath. To be then copied into the book of registry, and compared and attested by the Register, and the parties present, to whom the original deed is then to be returned with the prescribed endorsement of the Register.

10th. Such certificate of the Register to be considered by the Courts a sufficient evidence of its registry.

Register

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## REGULATION XXXVI.

11th. Register to allow all persons to inspect the registry books, and grant copies of all deeds registered to persons whom they may concern—such copies to be deemed sufficient evidence by the Courts, in event of originals being lost.

12th. Persons counterfeiting or falsifying entries in the registry book, or certificate of registry, to be prosecuted criminally.

13th. Hours to be fixed for the registry of deeds, and notification to be made thereof.

14th. Fee to be allowed the Register for registering deeds, or furnishing copies, or for inspection of the registers. Register may refuse to perform the official acts required until the fee be paid, and is to provide from such fees, the requisite native officers and stationery.

15th. Vide Regulation IV. 1824. May appoint deputies to officiate for them in the event of temporary absence or inability to attend; provided such deputy be a Covenanted Servant of the Company—and to take the oath prescribed for the Register.

16th. Regulation to be enforced from the 1st January, 1796. Translations to be sent to the Cauzies.

## REGULATION XXXIX.

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# REGULATION XXXIX.

*Appointment of Cauzy-ul-Cozaut and Mofussil Cauzies.*

Head Cauzy's Appointment.

2d. 1st. The Cauzee-ul-Cozaut to be appointed by G. G. in C.—removable only for incapacity, or misconduct proved to his satisfaction.

2d. Description of seal to be used by him.

3d. 1st. Above Rule applicable to Mofussil Cauzies.

2d. Not to preclude the G. G. in C. from abolishing the office of Cauzee at any place.

Vacancies.

4th. Vacancies of Mofussil Cauzies to be reported by the Judge, and a proper person to succeed to be recommended—his name to be communicated to the head Cauzee, who may object to the appointment on grounds of incompetency. The person appointed to be furnished with a Sunnud, under the seal of the head Cauzee.

5th. Office of Cauzee not hereditary.

Incapacity.

6th. 1st & 2d. Courts to report incapacity or misconduct of any Mofussil Cauzy—similar reports by head Cauzee.

7th. Records of Cauzies to be delivered complete to their successors.

Fees.

8th. Not to exact any fees for drawing up or attesting papers, or performing any other customary acts, except such as the parties may voluntarily agree to pay them.

Report by Judges.

9th. Judges to report the number of Cauzies they may deem sufficient for their respective jurisdictions, and to fix the residence of the Cauzies in the most centrical places, that distrainers of property and others may have ready access to them.

Judges

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# REGULATION XXXIX.

*Mofussil Cauzies.*

10th. Judges to furnish the Cauzies with copies of the translations of the Regulations.

11th. Mofussil Cauzies liable to be sued for damages for undue practices in the discharge of the duties prescribed to them by the Regulations.

# REGULATION XL.

Rescinded by Section 2, Regulation XXIII. 1814.

# REGULATION XLI.

*Regulations.*

2d. Rules and orders affecting the rights, persons, and property of the people to be formed into Regulations in the Judicial Department, and printed and published, as hereafter directed.

3d. Manner in which the Regulations are to be numbered.

4th. A Title to be prefixed to each Regulation.

5th. 1st. Also a Preamble, containing the grounds for the enaction of the Regulation.

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# REGULATION XLI.

*For. Forming the Regulations into a Code.*

C. 2. Reasons for repealing or modifying former Regulations to be detailed in the preamble.

6th. Regulations to be divided into Sections and Clauses. Preamble to be the first Section.

7th. References to Clauses, Sections, or Regulations, how to be made.

8th. Subject of Clauses and Sections to be inserted in a marginal note.

9th. Size of paper on which Regulations are to be printed.

10th. Index of Regulations passed annually, to be prepared.

11th. Superintendent of Company's Press to retain 100 copies of Regulations, and of their translations, the rest to be distributed to the public offices.

12th. Ten English copies of the Regulations, with an Index, to be sent to the Court of Directors annually—the remainder how distributed.

13th. Courts of Justice to be guided in their proceedings and decisions by the Regulations.

14th. Persons and things to be described by the same designations and terms throughout the Code.

Regulations

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*Forming the Regulations into a Code.*

15th. Regulations, with marginal notes, to be translated into the Bengalee and Persian languages.

16th. Uniformity in designations and terms to be observed, and new terms to be explained.

17th. Translator to correct errors of the press in the printed translates.

18th. Translations to be made in plain and easy language, and the idiom of the language to be adopted.

19th. One part of a Regulation to be construed by another.

20th. Any Regulation differing from a former Regulation, either wholly or partially, the new Regulation to be considered a virtual repeal of the former, as far as it may differ, provided the new Regulation be couched in negative terms, or by its matter necessarily imply a negative.

21st. Repealed Regulations revived by the rescinding of the repealing Regulation.

REGULATION XLVI.

Rescinded by Section 2, Regulation XXVIII. 1814.

REGULATION XLVII.

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*Difference of Opinion between Judges of P. Courts of Appeal and Circuit.*

## REGULATION XLVII.

| Sections | |
|---|---|
| SENIOR JUDGES. 2d. Vide Section 7, Regulation III. 1797, Rescinded by Sections 9 and 14, Regulation XXV. 1814. | In any case of difference of opinion of any Judges of Provincial Court of Appeal or Court of Circuit, if only two Judges present, *Senior Judge to have the casting vote,* otherwise the opinion of the majority to decide. Each Judge may record the grounds of his opinion on the proceedings of the Court. |
| 3d. Modified Section 2, Regulation XIII. 1810, and Sections 6 and 7, Regulation XXV. 1814. | *Two Judges* necessary to hold a Court of Appeal. |
| DECREES. 4th. Section 2, Regulation XIII. 1810, and Section 8, Regulation XXV. 1814. | Decrees not valid unless passed by *two Judges* of the Court; by whom decrees to be signed. |
| 5th. Vide Section 5, Regulation XIII. 1810. | P. C. A. to meet *three days* in each week, or more often, if necessary. Extra meetings to be summoned by the Register, under order of Senior Judge, but Court not to sit on Sundays. |
| ABSENCE OF JUDGES. 6th. Vide Section 15, Regulation II. 1801, and Section 5, Regulation XIII. 1810. | Judges not to absent themselves from the station without *permission of S. D. A.* and if unable to attend any sitting of the Court, from indisposition, to be entered on the proceedings of the Court. If the Judge shall be under the necessity of absenting himself for three successive meetings, to notify the same to the Sudder Dewanny Adawlut. |

## REGULATION XLIX.

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*Preventing Affrays respecting disputed Boundaries.*

# REGULATION XLIX.

Forcible Dispossession, Remedy for.

2d. Vide Regulation VI. 1813.

Persons having claims to *disputed lands* or crops, prohibited taking possession of them by force, but to prefer their claim in the Dewanny Court of the Zillah.

3d. Vide Section 5, Regulation II. 1805. Modified Section 5, Regulation VI. 1813, and Section 2, Regulation XV. 1824.

Persons forcibly dispossessed by such claimants at liberty to *represent the circumstances* to the Judge, who, on previous possession being proved, without inquiring into the merits of the claim, to cause disputed lands or crops to be restored to complainant, or value of crops to be repaid him if they shall have been damaged, destroyed, or not forthcoming, and award against offender such costs and damages, as may appear equitable, leaving him to prefer his claim in the Dewanny Court.

Commitment to the C. of Circuit, and Forfeiture of Land.

4th.

The right of claimant to disputed property to be forfeited to the other party if, in taking possession, any person shall be killed, wounded, or violently beaten, by the claimant, or persons accompanying him—such claimant to be proceeded against as in Section 3d, and all persons so offending, to be *committed, or held to bail,* to take their trial before the Court of Circuit.

Vide Regulation I. 1822, and Regulation II. 1823. (Foujdary.)

5th.

Claimants not present, but indirectly concerned, liable to the same consequences as if they had been present, and their servants or agents, by whom any violence may have been committed, also liable to be committed for trial.

Proprietors

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## REGULATION XLIX.

Resistance prohibited.

6th. Proprietors and others prohibited from resisting, by force of arms, persons attempting to dispossess them of disputed lands or crops, or employing force to dispossess such persons in the event of their having taken possession. Persons so resisting, as well as the dispossessor, liable *to commitment* for any affray attended with murder or wounding that may ensue—and the lands or crops to be forfeited to Government.

Vide Regulation I. 1822, and Regulation II. 1823. (Foujdary.)



## REGULATION VIII.

*Powers of Zillah and City Registers.*

1794 2d. Section 6th, Regulation XIII. 1793, rescinded.

Suits referrible.

3d. *Amount of Suits* for personal property, or for Malguzaree or Lackraje lands, which Judges may refer for trial to their Registers. The Register to sit three days in each week, or oftener.

Vide Section 8, Regulation XXIV. 1814.

4th. Registers to try such suits *in open Court,* when the Judges may not sit.

Vide Section 12, Regulation XXIV. 1814.

5th. Registers to be guided by the same rules as prescribed to the Judges in the trial of suits.

6th. Rescinded by Clause 3d, Section 6th, Regulation XLIX. 1803.

Rescinded

1794 | Powers of Registers of Zillah and City Courts.

## REGULATION VIII.

| Sections | |
|---|---|
| 7th. | Rescinded by Section 2, Regulation XXXVI. 1795. |
| PROCESSES. 8th. Vide Section 12, Regulation XXIV. 1814. | All processes in suits, referred to the Register for trial, to issue under the seal of the Court and signature of the Register, and executed by the Officers of the Court. |
| 9th. Vide Section 2, Regulation XV. 1816. | Causes referred to the Register to be pleaded either by the parties in person, or by the authorized Vakeels of the Court. |
| MONTHLY AND HALF YEARLY ABSTRACT OF DECISIONS. 10th. | Causes decided by the Registers to be distinguished in the monthly abstract of decisions. Judges also to distinguish, in the abstract, the decisions passed in appeal by them from the Register's Court. Half yearly report to specify the appeals depending before the Judge from the decisions of their Registers—and the number of suits which may be under trial before the Registers. |
| 11th. Vide Section 23, Regulation XLIX. 1803, and C. 3, Section 3, Regulation XXV. 1814. | This Regulation does not preclude Judges from trying, themselves, causes referrible to the Register, or referring suits to the Native Commissioners. Decision of the Judge final in suits for money or personal property, not exceeding 25 Rupees. |
| REGISTERS OF P. COURT. 12th. | The Provincial Courts of Appeal not competent to authorize their Register to try appeals from decisions of Zillah or City Courts, or their Registers. |
| 13th. | Judges empowered to *refer to the Collector's* rent and revenue |

accounts

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## REGULATION VIII.

REFERENCE OF SUITS TO COLLECTORS FOR REPORT.

Explained Section 14, Regulation XIX. 1817.

accounts for report, the adjustment of which may be necessary to the decision of a suit. *Reference to be made* by a precept of the Court, under the signature of the Judge and seal of the Court. Judge may also require the parties or their Vakeels, and their witnesses to attend the Collector, that he may examine them regarding their accounts, and may empower the Collector to administer the customary oaths to witnesses. Collector to submit his report to the Court, in conformity with the precept—on receipt of which Judge to pass such decisions as may appear to him proper; but the Judges are not to refer to the Collector any suits in which he, (the Collector) or any of his servants, or public officers of Government, may be a party.



## REGULATION XXXVI.

1795 2d. Section 7, Regulation VIII. 1794, rescinded.

APPEAL TO JUDGES.

3d. C. 1st. Vide C. 2, Section 6, Regulation XXIV. 1814.

Appeal from all decisions of Registers for real property, and for money or personal property *exceeding 25 Rupees*, to lie to Judges of Zillah and City Courts, under similar rules as prescribed regarding Appeals to P. C. A. with following qualifications.

THIRTY DAYS LIMITATION.

C. 2. Vide Section 8, Regulation II. 1805, and C. 10, Section 8, Regulation XXVI. 1814.

Petition of Appeal to be presented *within thirty days from the date* of decision, either to the Register or the Judge; but Appeal may be admitted after the time limited, if the party can shew good cause for the delay.

On

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*Appeals from Decisions of Registers.*

# REGULATION XXXVI.

Transmission of Proceedings.

C. 3. On an Appeal being admitted, the Judge to cause an endorsement to be made on the Petition, of the word "Munzoor," with the seal of the Court, and his signature affixed. The Petition, so endorsed, to be transmitted to the Register, who is, thereupon, to transmit to the Judge all the original proceedings and papers in the cause, with his original decree.

4th. Rescinded by Section 8, Regulation XLIX. 1803.

5th. Rescinded by Section 2, Regulation XXIII. 1814.

Criminal Trials referred to N. A.

6th. Previously to the commencement of each Circuit, the Court of Circuit to examine the list of referred trials held in the preceding Court, and to report to the Nizamut Adawlut if there should be any on which they may not have received the Sentence of the Court, that, in the event of any miscarriage of proceedings or orders, duplicates may be furnished.

7th. New Zillah of Hooghly constituted, and Courts of Dewanny and Fouzdary Adawlut established.

# REGULATION XXXVII.

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*For enabling S. D. A. to Judge of Progress of Decisions of Civil Suits.*

MONTHLY REPORT.

2d. Register to the S. D. A. to submit to the Court, a monthly general report on the abstract registers of the *Z*illah and City Courts—what the report is to contain.

3d. Also to submit a monthly general report on the abstract registers, required to be furnished by the Provincial Court of Appeal.

HALF-YEARLY REPORTS.

4th. Report to be submitted, by the Register, to the S. D. A. on half-yearly reports of the Zillah and City Courts, of causes remaining undecided, exhibiting any increase or decrease.

5th. Similar reports to be submitted half-yearly, of causes depending before the P. C. A.

6th. Register to notice, in his report, any omission in the timely transmission of such abstract reports, with any reasons that may have been assigned for the delay.

FORM OF ABSTRACTS TO BE FURNISHED.

7th. C. 1. Following rules enacted to facilitate the preparing of the required reports by the Register.

C. 2. Abstract of the numbers of decisions to be inserted by the Judges, at the foot of their monthly reports—Form of abstract.

C. 3. And of causes depending at the foot of half-yearly abstract—Form of abstract.

C. 4. Abstract of decisions of Provincial Court of Appeal, to be inserted

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inserted at the foot of their monthly abstract—Form of abstract.

Form of Abstracts.

C. 5. Abstract of number of appeals or suits depending, to be inserted at the bottom of the half-yearly reports.

FORM OF ABSTRACT.



REGULATION LV.

*Security from Guardians.*

Parties in Suits.

2d. In cases in which a Guardian may be a party, jointly with his Ward, under Clause 1, Section 32, Regulation X. 1793, in any Civil Suit, the securities, required by the Regulations, to be taken from parties, in suits, shall not be required from Guardians.

REGULATION IV.



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Occasional Absence of Zillah and City Judges and Magistrates.

# REGULATION IV.

APPLICATION FOR LEAVE.

2d. Extended Section 15, Regulation II. 1801.

*Zillah and City Judges* to apply to the G. G. in Council for permission to leave their station, and (except in emergent cases) to wait the receipt thereof; the letter of application to specify the purpose for which the leave of absence is required, and the period—also the name of the Register or Senior Assistant on the spot, to whom the charge of the office of Judge and Magistrate will devolve, if not otherwise provided for.

3d. Governor General in Council will determine whether to delegate the duties of Judge and Magistrate to the Register and Senior Assistant, or to appoint any other person. Notice of the determination of the Governor General, to be communicated to the S. D. and N. A., and the Provincial Court of Appeal and Circuit for the Division.

DUTIES OF REGISTERS AND REPORT TO BE MADE.

4th. Zillah and City Judges and Magistrates to report their departure from, and return to, the station, to the G. G. in Council, the Court of S. D. and N. A., and the P. C. A. and Circuit.

5th. Report to be made to the G. G. in Council by the Register or Senior Assistant, when the offices of Judge and Magistrate may devolve on such officer from death, indisposition, or other casualty, and until the receipt of the order of the G. G. in Council, the Register to *confine himself* to the discharge of his proper duties, and the exercise of such part of the powers of Judge and Magistrate, as may be

Vide C. 2, Section 14, Regulation II. 1805.

EXPLANATION RESPECTING DUTIES OF REGISTERS.

be indispensably necessary to the immediate execution of process from the Provincial Court of Appeal and Circuit, or orders from the S. D. and N. A., for preserving the peace of the district, or such cases of emergency as will not admit of delay.

6th. The foregoing Rules to supersede such parts of Section 7, Regulation XIII. 1793, as respect the duties of Registers or Senior Assistants, in the event of the temporary absence or indisposition of the Judge and Magistrate. But the latter part of the Section, restricting the Registers and Assistants from the exercise of any powers not vested in them, to remain in force, and the Registers and Assistants to the Zillah and City Courts, are in no cases to exercise any judicial powers, not expressly vested in them by the Regulations, but are to perform all ministerial acts consistent therewith, prescribed to them by the Judges and Magistrates.

## REGULATION VIII.

Rescinded by Section 2, Regulation XXVII. 1814.

## REGULATION X.

1796 | SECTIONS

## REGULATION X.

*Difference of Opinion on Construction of Regulations.*

2d. Zillah and City Courts may state objections to the precepts of the P. C. of Appeal and Circuit, if considered by them contrary to or unwarranted by the Regulations, and may suspend the execution until the receipt of a second precept; the second precept to be carried into immediate execution, although it shall confirm in whole or in part, the former precept; but Zillah or City Judges may request a reference of the case, with all papers relating thereto, to the Sudder Dewanny or Nizamut Adawlut, which are to be transmitted, except in cases clearly left by the Regulations to the discretion of the Provincial Court of Appeal or Circuit. The reference authorized merely intended to provide against a difference of opinion on a construction of the Regulations.

3d. Determination of the S. D. or N. A., to be conclusive.

4th. Sudder Dewanny or Nizamut Adawlut, to report to the Governor General in Council, any case in which they have doubts on the meaning of the Regulations, or if the case submitted for their Decision be not provided for by the Regulations, to propose a new Regulation in the manner prescribed by Regulation XX. 1793.

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REGULATION XIII.

1796 | Sections

*Execution of Decrees Appealed from.*

## REGULATION XIII.

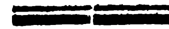
Litigious Appeals. Security for staying Execution.

2d. Modified C. 2, Section 11, Regulation XIII. 1808. Vide Section 2, Regulation III. 1802, and Section 6, Regulation V. 1798. Extended Section 3, Regulation V. 1798.

Execution of decrees appealed from, in all authorized cases of Appeal, whether passed in the Zillah, City, or Provincial Courts, *to be stayed,* provided the party, at the time of preferring his appeal, or within such *reasonable period* as may be fixed, shall give the security required by the existing Regulations; namely, if the decree be for land, in a sum equal to *one year's produce,* or if for personal property, to the *amount or value of the thing decreed,* for the performance of the decree which may be passed in appeal.

3d. Vide C. 2, Section 12, Regulation XIII. 1808.

To prevent an abuse of the above rule, *Interest* to be allowed on sums adjudged by the decree appealed from, if confirmed; and litigious appeals to be punished by a fine to Government.



## REGULATION VIII.

1797 Rescinded by Section 2, Regulation XXVII. 1814.



## REGULATION XI.

1797 | Sections

*Bonds on Institution of Suits.* By E. B. S.

## REGULATION XI.

2d. Form of Bond to be executed by E. British Subjects or others, not amenable to the Zillah or City Courts, on instituting suits in such Courts, in lieu of the form prescribed by Section 7, Regulation XXVIII. 1793.

FORM OF BOND.

3d. C. 1. Modified Section 2, Regulation III. 1802, and Section 4, Regulation II. 1806.

*Security Bond*, to be executed by Sureties of Defendants as required by Section 5, Regulation IV. 1793.

FORM OF BOND.

C. 2. Nothing in this Regulation to supersede the exception made in favor of persons specified in Section 10, Regulation VIII. 1795, (Benares).

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*Appeals to Sudder Dewanny Adawlut.* Standard of Suits Appealable.

## REGULATION XII.

2d. Part of Section 10, Regulation VI. 1793, respecting the amount of suits which are appealable to the Sudder Dewanny Adawlut, rescinded. Decrees of Provincial Courts for money or personal property, not exceeding *Rupees 5,000, to be final.* The standard for determining *what suits are appealable,* shall be the amount of the claim adjudged against a party appealing, or disallowed by the decree of the Court, whether in appeal to the Sudder Dewanny Adawlut from the Provincial Court of Appeal, or to the Provincial Court of

Extended Section 2, Regulation V. 1798. C. 2, Section 6, Regulation XXIV. Sections 3 and 5, Regulation XXV. Sections 2 and 3, Regulation XXVI. 1814.

of Appeal from the Zillah or City Courts, or to the Judges of those Courts, from the decisions of their Registers.

3d.

Petition of Appeals.

Amended Section 12, Regulation II. 1805, and C. 7, Section 8, Regulation XXVI. 1814.

Option allowed appellants from decision of Provincial Courts of Appeal, in Section 10, Regulation VI. 1793, to prefer their *petition of appeal to the S. D. A., revoked.* Petition of Appeal to be presented to the Provincial Court, which Court will proceed in the petition as directed by the above Regulations. The security required to be given, however, previous to the admission of appeals, is only for the payment of eventual costs, (exclusive of separate *security for the fees of Vakeels,* required by Section 9, Regulation VII. 1793), and the performance of decree, and is *not to exceed, in any case, Rupees* 500, and does not extend to security required to be given for staying execution of decrees. The written notice required by the latter part of Section 10, Regulation VI. 1793, to be given to appellants, that within fifteen days the proceedings will be certified to the S. D. A., and appeal will be dismissed if not proceeded in within six weeks, is to apply to the filing of the petition of appeal, and not to the filing of the proceedings, and is to be so expressed in the notification to the appellants, with a specification of the date on which the petition of appeal may be transmitted to the Sudder Dewanny Adawlut—Provincial Court of Appeal, on rejecting a petition of appeal to the Sudder Dewanny Adawlut, to furnish appellant on the

Security for Costs.

Superseded Section 23, Regulation XXVII. 1814.

Rescinded Section 9, Regulation II. 1798.

Written Notice to Appellants.

## REGULATION XII.

the ensuing Court-day, or as early as practicable, with a copy of their order for rejecting the appeal, and appellant at liberty to present his petition of appeal to the Sudder Dewanny Adawlut, under restrictions prescribed by Section 10, Regulation VI. 1793, and this Regulation—setting forth the rejection of previous application by P. C. A., accompanied with a copy of their order, or a declaration that it was applied for within ten days, and not obtained.



4th.

Amended Section 12 Regulation II. 1803.

Provisions and explanations in the above Section, applicable in their purport and effect to Section 12, Regulation V. 1793, relative to appeals to Provincial Courts, which are hereafter to be preferred, *in the first instance, to the Zillah or City Courts,* from the decision of which the appeal may be made, with liberty to appellant, where the appeal may be rejected, to present a second petition of appeal to the Provincial Court, under the above restrictions.

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## REGULATION XVI.

1797 | Sections

## REGULATION XVI.

*Appeals to the King in Council from Decisions of Sudder Dewanny Adawlut.*

Six Months.

2d. Vide Section 13, Regulation I. 1805.

Petitions of appeal to the King in Council to be presented to the Sudder Dewanny Adawlut within six months, and appeal to be admitted provided the judgment appealed against (exclusive of costs) shall amount to £5,000 *sterling*.

Amount 50,000 Ct. Rs.

3d.

Appealable sum current Rupees 50,000, or Sicca Rupees 43,103, value of property to be computed according to the nature of the property, agreeable to the general rules prescribed in like cases for the guidance of the Sudder Dewanny Adawlut.

Discretion for Enforcement of Judgment or otherwise.

4th.

Court may either order their judgment to be carried into execution, taking security from the party in whose favor the decree may have been passed, to abide by the event of the appeal; or suspend the execution, taking the like security from the party left in possession. Appellant, in all cases, to give security for the payment of costs, and for the performance of final order or judgment in appeal; on receiving such security, appeal to be declared admitted, and notice to be given the parties to prosecute and defend the same, according to the established mode of proceeding.

Copies of Proceedings.

5th. Vide Section 19, Regulation I. 1814.

In all cases of appeal to King in Council, *two copies of all proceedings* to be prepared in English, and transmitted under the official seal and signature of the Register to the G. G. in Council. The parties also to be furnished with copies of the proceedings on application, provided they agree to pay the expense of preparing the same.

Copies

1797 | SECTIONS

*Appeals to the King in Council from Decisions of the S. D. A.*

COPIES OF REGULATION TO ACCOMPANY PROCEEDINGS.

## REGULATION XVI.

6th. Copies of any local Regulation under which the judgment may have been passed, or which may have been referred to, to accompany the proceedings.

7th. Nothing herein contained to be understood to bar the exercise of His Majesty's pleasure in all appeals, either in rejecting or admitting such as His Majesty may deem proper under the Statute.

## REGULATION XVIII.

Rescinded by Section 2, Regulation XXIII. 1814.

## REGULATION XIX.

1797 | SECTIONS

Translation of Causes Appealed to the S. D. A.

## REGULATION XIX.

2d. Section 31, Regulation V. 1793, rescinded.

3d. C. 2 & 3. Repealed by Section 19, Regulation II. 1801.

HOW MADE WHEN REQUIRED.

4th. Vide Section 19, Regulation II. 1801, Section 18, ditto.

*All translations* required from the Courts to be made by the Registers and Assistants, whenever it may be practicable. When their other public avocations will not admit of their preparing the translates, the Judges are to report the circumstances to the S. D. A. who, if they deem it necessary, will authorize the employment of other persons to make the translates, subject to the revision of the Register, who is to be responsible for their accuracy.

RATES ALLOWED.

5th. Rates to be allowed to persons not in the Service for making translates, and bill for the translation to be paid by the Judge, on a certificate from the Register of the due completion of the translate—such certificate to be endorsed on the bill.

REGULATION I.

1798 | SECTIONS

# REGULATION I.

*Preventing Frauds in Conditional Sales and under Deeds of Bye-bil-waffa, &c.*

HOW REDEEMED.

2d. Vide Sections 7 and 8, Regulation XVII. 1806.

Persons who have borrowed money, *on conditional sales of lands*, and who may be desirous of redeeming the same by the re-payment of the money lent upon it, may, within the stipulated period for re-payment, either tender or pay the amount due to the lender, or deposit the same in the Local Dewanny Adawlut. A receipt is to be given by the Judge for such deposit, and a written notice of the same to be given to the lender, and on surrender of the Bill of Sale, amount to be paid to the lender, and his acknowledgement taken. Specification of the deposit required. The rights of the borrower preserved by making such deposit.

ACCOUNT OF PROCEEDS.

3d. When the lender has had possession of the land, and an adjustment of accounts may be necessary, he is to account for the proceeds of the estate, on the principles prescribed in Regulation XV. 1793.

4th. Teeps not to be considered a legal tender, unless accepted by the lender—such acceptance, how proved.

EXPLANATION OF TEEPS.

5th. Nothing in this Regulation to alter the contract between the parties, and all questions of right to be regularly determined by the Civil Courts.



REGULATION II.

1798 | SECTIONS

## REGULATION II.

*Authorizing a Review of Causes in certain Cases.*

REFERENCES ON DOUBTFUL EXPOSITIONS OF THE LAW, HINDOO OR MAHOMEDAN.

2d and 3d. Rescinded by C. 1, Section 4, Regulation XXVI. 1814.

4th. Section 15, Regulation IV. 1793, and Section 3, Regulation VIII. 1795, (Benares) explained. Judges not precluded in cases where they may entertain doubts of the accuracy of the exposition of the law, which may be furnished by their Law Officers, from making a further reference for the opinion of the Law Officers of the Superior Courts; whether such doubts should arise from objections of the parties, to the exposition given by the Law Officers, founded on other expositions of the law, which may be exhibited by them in the course of the trial, or from a reference to the Hindoo or Mussulman law authorities, or from any other cause—if the Judge shall deem the exposition of the Law Officer of the Court unsatisfactory or insufficient. Such references to the Law Officers of the Superior Courts, to be made through the Judges of their respective Courts, but the Courts not to refer any point of law to individuals, not acting in a public capacity—although the Courts are at liberty to receive law opinions tendered to them, quoting or referring to authorities, if tendered by the parties, during the trial of the suit, and may refer them to their Law Officers, to enable them to determine on their due weight and application to the case.

5th. Section 8, Regulation V. 1793, and C. 2, Section 4, and C. 2, Section 5, Regulation VI. 1793, rescinded, and the following Sections substituted.

P. C. A.

# REGULATION II.



6th. P. C. A. empowered to receive petitions regarding suits or matters that may be depending before or decided by the Zillah or City Courts, and to issue a precept to the Judge, to receive and proceed in the petition, provided it shall be proved, that it was previously presented to and rejected by the Judge, or that any undue means were used by any of the Officers of the Court, to prevent the petition being presented.

7th. S. D. A. may command the Zillah or City Judge to receive and proceed in any petition which may be presented to them relating to any matter, depending before or decided by a Zillah or City Court, provided it shall be proved that such petition was previously presented to and rejected by the P. C. A.

8th. S. D. A. vested with authority to receive petitions relating to appeals decided, or under investigation before the P. C. A. on proof that such Court refused or omitted to receive it, and may command the Provincial Court, by a precept, to receive and proceed on such petition according to the Regulations.

9th. Rescinding such part of Section 12, Regulation V. 1793, and Section 10, Regulation VI. 1793, and Section 3, Regulation XII. 1797, as limits the security to be taken from Appellants, for the payment of costs, and performance of decree, to 500 Rupees, and the following provision substituted.

1798 | SECTIONS

*Authorising Review of Causes.*

SECURITY FOR COSTS IN APPEAL.

## REGULATION II.

10th.

Superseded Section 23, Regulation XXVII. 1814.

Ditto Ditto.

Rescinded by Regulation XXVIII. 1814.

With the petition of appeal, good and sufficient security is to be given by Appellant, for the payment of costs that may be awarded in appeal, *and fees of Pleaders*, without such security or proof of inability, as a Pauper, to give the required security, no appeal to be admitted. The presenting the petition of appeal, without the required security, before the expiration of the time limited for appealing, not to preserve a right of appeal; but a party declaring his intention to prosecute his appeal in person, is at liberty, afterwards, to appoint an authorized pleader, giving separate security for the *payment of his fees*; but no pleader shall be allowed to act, until security shall have been given for his established fees, except under the provision for Paupers, contained in *Regulation* XLVI. 1793, and Regulation XIII. 1795, (Benares).

## REGULATION V.

# REGULATION V.

*Further Limitation of Appeals to Sudder Dewanny Adawlut and Security in Appeals.*

DECREES OF THE COURT OF APPEAL IN WHAT CASES FINAL.

2d. Vide C. 2 and 3, Section 5, Regulation XXV. 1814.

Section 2, Regulation XII. 1797, declaring the decrees of the Provincial Court of Appeal for personal property, not exceeding 5,000 Rupees, *final*, extended to decrees for land, or real property, not exceeding in value 5,000 Rupees. The value to be estimated, if Malguzary land, by the annual produce, not exceeding 5,000 Rupees; or if Lackraje, by the annual produce, not exceeding 500 Rupees; or if a House, Tank, &c. or other description of real property, the computed value, not exceeding 5,000 Rupees. The above limitation subject to the general rule contained in Section 2, Regulation XII. 1797, for determining what judgments are appealable.

PROVINCIAL COURT MAY REQUIRE ADDITIONAL SECURITY.

3d. Vide C 1, 2 and 3, Section 11, Regulation XIII. 1808.

Courts of Appeal may require *additional security* from Appellants, in suits appealed, on application of the parties, where the security taken under Section 2, Regulation XIII. 1796, may appear insufficient from any delay in the decision of the suit, or other cause, to secure the party, who may have obtained a judgment in his favor, from loss, by the non-execution of such judgment during appeal. And in default of giving such security, the judgment may be carried into execution, good and sufficient security being, in such cases, given by the Respondent, previous to being put in possession.

4th.

Any private transfer or mortgage of land, or other real property, during appeals by the Appellant, who may be left in possession, null

1798 | SECTIONS

## REGULATION V.

*Security from Parties in Suits Appealed.*

PRIVATE TRANSFER OF PROPERTY IN DISPUTE.

REMEDY IF PROPERTY SOLD FOR ARREAR OF REVENUE.

Vide C. 4, Section 11, Regulation XIII. 1808.

null and void, in the event of a judgment against such property being confirmed in appeal. But in the event of the property in dispute being land, subject to the payment of Revenue to Government, and although adjudged to the Plaintiff, yet the Defendant or Appellant, shall have been permitted to retain possession of it, and such land shall be *sold during the appeal*, on account of demands of Public Revenue, if purchased at such sale by the Respondent, and the judgment in his favor shall be confirmed in appeal, such Respondent entitled to recover his purchase-money, with interest at 12 per Cent. with any other sum that may be adjudged due to him on account of the profits from the land, anterior to the sale, from the Appellant. In the case above supposed, if the Respondent shall not have purchased the land, or other property sold on account of arrears of Public Revenue, and judgment in the appeal shall be in favor of the Respondent, he shall be entitled to recover, from the Appellant, the amount of the purchase-money, paid for the property so sold, with interest and profits, as above,* unless the property in question shall have been directly or

* Supposing the Respondent not to possess the means, either of paying up the arrear, (as authorized by C. 4, Section 11, Regulation XIII. 1808,) or of purchasing the property at the public sale, and that the original judgment in his favor shall be confirmed in appeal; in such case

## REGULATION V.



FICTITIOUS SALE.

or indirectly purchased by such Appellant, or on his behalf at public sale, in which case, on clear proof thereof being made by Respondent, he shall be entitled to obtain possession.

EXTENDED APPLICATION OF RULE.

5th. Principles of the preceding Section, equally applicable to cases in which the Plaintiff or the Respondent may be left in possession, from the Defendant or Appellant failing to give security for staying execution of the decree. And generally, to all cases in which possession of the property may be transferred by any decree of a Court of Justice, from which an appeal may be depending to any superior Court.

ATTACHMENT OF PROPERTY.

6th. In cases wherein neither of the parties can give the security required, for staying execution of the decree, or for the execution thereof in favor of the Plaintiff, such property to be held in *attachment*, by the Collector of the District, until security be given by either party, or until a final decision be passed. The expenses of attachment to be defrayed by the party to whom such property may be adjudged,

Vide Sections 5 and 6, Regulation II. 1806.

is it necessary, under this provision, to institute a new suit against Appellant, for recovery of purchase-money? or would it not be more just to empower the Courts, in such cases, to decree the land, or (in the event of its having been sold) the amount of purchase-money, in lieu thereof.

1798 | SECTIONS

# REGULATION V.

ATTACHMENT BY COLLECTOR.

adjudged, under the provision contained in Regulation **XLV. 1793,** for the attachment of lands for sale, pursuant to decrees of Courts, as far as may be applicable thereto; but attachment not to be made by the Collector without a precept from the Court; the precept to state the property to be included in the attachment, and the attachment not to be withdrawn, without a further precept, to that effect, from the Court,

*Security in Appeals.*

EXPLANATION. APPEALS FROM SUMMARY DECISIONS.

7th. Section 4, Regulation VI. 1797, (stamp) explained*. Fees therein prescribed on the institution of regular suits, not intended to be levied on summary suits, instituted under Section 3, Regulation XLIX. 1793, or Section 2, Regulation XXXV. 1795, nor on appeals from judgments passed on summary process; but no appeal admissible from the judgments on summary process, except on the ground of irrelevancy or misapplication of the Regulation for summary process, to the case appealed. On which ground only the Provincial Court can receive appeals, and in which case judgment of the Zillah and City Courts may be reversed, subject to a further appeal to the S. D. A., or otherwise, according to the amount or value of the suit. But this Regulation in no way to preclude a right of appeal from judgments of the Courts, decreeing lands, &c. forfeited to Government under Section 6, Regulation XLIX. 1793, in cases specified in that Section, the Vakeel of Government

* Rescinded by Regulation I. 1814.

1798 | SECTIONS

## REGULATION V.

ment to sue for the forfeiture in the Dewanny Court of the *Zillah*, and decision of the Court, liable to appeal under the general rule for appeals, but particularly under Section 22, Regulation IV. 1793, the provision contained in which Section declared applicable to cases of forfeiture, adjudged under Section 6, Regulation XLIX. 1793.

INSTITUTION FEES HOW CALCULATED.

8th. Vide Regulation I. 1814.

*Institution Fees, Fees on Exhibits, and Stamp Duty in Suits,* for Malguzarree land to be calculated on the annual produce of such land, instead of the Jumma, payable to Government, as provided by Sections 4, 5, 6, 7, 10 and 17, Regulation VI. 1797. (Stamps) qualification of the operation of the rule.

9th. to 15th.

Rescinded by Section 2, Regulation XXVII. 1814.

16th.

Sections 10 and 14, Regulation XVIII. 1793, rescinded, but Judges to be careful, that the Registers and Books of Proceedings required by Sections 4, 9, and 13 of that Regulation, are duly kept, and original records preserved.

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REGULATION V.

# REGULATION V.

SECTIONS

2d. CASES IN WHICH COURTS NOT TO INTERFERE.

Executors to Hindoos, Mahomedans, and others, (whose heir may not be a disqualified land-holder, subject to the jurisdiction of the Court of Wards,) may take charge of the estate of the deceased, and proceed in the execution of their trust without any application to the Judge or other Officer of Government; and the Courts of Justice prohibited from enterfering in such cases, except on a regular complaint against the executors; when such complaint is made, to be proceeded in according to the general Regulations, taking the opinion of the Law Officers on all points of law, subject, to any modifications, enacted by the Governor General, in the form of a Regulation.

3d. POSSESSION OF LANDED PROPERTY HOW TAKEN.

The heirs of deceased landed proprietors or their guardians, by law, usage, or appointment, (if under age,) are entitled to take possession of the estate of the deceased, without application to the Court, if such possession can be had without violence—and Courts of Justice prohibited interfering, except on a regular complaint, on which they are to proceed according to the general Regulations.

4th. If more heirs than one to the estate, and they can agree in the appointment of a common manager, at liberty to take possession, and the Courts not to interfere, but on a regular complaint; but if the right of succession shall be disputed, or any party shall have taken possession, the Judges, on a regular suit being preferred by the

Complaint to the Judge.

the party out of possession, to take good security from those in possession for the performance of the decree, or in default of such security being given, may give possession to the other claimants, who may be able to give such security; but possession so given, not, in any manner, to affect the right of the property at issue, but to be considered merely as an administration to the estate, for the benefit of the heirs, who, on investigation, may appear entitled thereto.

Judges may appoint Administrator.

5th. In cases of none of the claimants to the property of a person dying intestate, being able to give security required, or where there may be no person authorized or willing to take charge of the landed estate, the Judge to appoint an administrator, for the care of the estate, until, in the former case, the suit between the claimants shall have been determined, or, in the latter, until the legal heir or person entitled to receive charge as executor, administrator, &c. shall attend and claim the same, when, if the Judge, after enquiry, shall be satisfied the claim is well founded, the administrator, appointed by the Court, to deliver over the same, with a just account of all receipts and disbursements during his administration.

Adequate

1799 | SECTIONS

*Administration to Estates by Zillah and City Courts.*

## REGULATION V.

SECURITY AND ALLOWANCE.

6th. Adequate security to be taken from administrators, appointed under this Regulation, and an allowance to be fixed by the Judge, subject to the approval of the Sudder Dewanny Adawlut, to whom a report is to be made, to be paid out of the proceeds of the estate.

PERSONAL EFFECTS.

7th. Judges of the Zillah and City Courts to adopt such measures as may become necessary for the temporary care of personal property of persons dying intestate to which there may be no claimant, and to issue an advertisement requiring the heir of the deceased, or other authorized person, to attend to receive charge of the same. If the deceased be an European, to be issued through *the Calcutta Gazette*. Any person attending, in consequence, as executor, administrator, or otherwise, who shall satisfy the Court of his title to the property, or to receive charge, the same to be delivered up to him on repayment of expenses incurred in the care thereof; should no claim be preferred within twelve months, an inventory of the property and report of the circumstances of the case to be transmitted to the Governor General in Council.

Modified Section 6, Regulation XV. 1806. (Foujdary.)

PROPERTY OF EUROPEANS.

COURT OF WARDS.

8th. Nothing in this Regulation to limit or alter the jurisdiction of the Court of Wards, vested in them by Regulation X. 1793, or by any other Regulation.

## REGULATION IX.

1799 | SECTIONS

## REGULATION IX.

*Resistance to Process of Zillah and City Civil Courts.*

FINE IN LIEU OF FORFEITURE OF ESTATES.

2d. Sections 22, 23, and 24, Regulation IV. 1793, extended to resistance of process of City Courts. If offender shall not possess any landed property within the jurisdiction of the City Court, he shall be liable to fine to Government, to be adjudged and levied, under Provisions contained in Section 25, Regulation IV. 1793.

3d. Judges of the Zillah and City Courts empowered to impose a fine, instead of judgment of forfeiture of land for resistance of process, the fine to be regulated by the Judge, on consideration of the situation and circumstances of the offender. Decrees of forfeiture of estates not to be deemed final, until confirmed by the Governor General in Council, without any limitation of the period for such confirmation.

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REGULATION II.

## REGULATION II.



2d. Section 2, Regulation VI. 1793, and Section 67, Regulation IX. 1793, repealed.

3d. Rescinded by Section 2, Regulation X. 1805, which is rescinded by Sections 2 and 3, Regulation XV. 1807, Section 3, lastmentioned, is again rescinded by Section 2, Regulation XII. 1811.

OATHS OF JUDGES.

4th. Judges of Sudder Dewanny Adawlut to take an oath similar to that prescribed to Provincial Court of Appeal, by Section 2, Regulation V. 1793.

5th. Court to possess all the powers, and perform all the duties vested in them by former Regulations, under the modifications prescribed therein, and the following further provisions.

DIFFERENCE OF OPINION. SITTINGS. POWERS OF SINGLE JUDGES. PROCESSES.

6th. Modified Section 6, Regulation XIII. 1810, and Section 16, Regulation XXV. 1814. Section 18, Regulation XXV. 1814. Amended Sections 6, 7 and 8, Regulation XIII. 1810, and Section 16, Regulation XXV. 1814.

To be an open Court and to be held by not less than *two Judges*, and no decree or final order to be valid unless passed by *two Judges* at least. Rule in case of *difference of opinion* between Judges present. Ordinary sittings to be three times a week—and special sittings, when necessary. Powers vested in the Senior Judge, in the absence of the Chief Judge, to be the same as those of the Chief Judge. May receive petitions of appeal, or other petitions, in open Court, and proceed therein, agreeable to the Regulations. But *not to pass any decision or final order*, or any order repugnant to a previous decree or order of the Court. Any Judge may take depositions, instead of causing them to be taken by the Register, and the Court are to regulate the mode and order of their proceedings generally, subject to the rules prescribed in the Regulations, decree to be signed by the Judges present, and all processes by the Register.

SECTIONS

## REGULATION II.

REPORT TO G. G. IN COUNCIL MISCONDUCT OR NEGLECT OF JUDGES, &c.

7th. Vide Section 14.

Recapitulation of Section 13, Regulation VI. 1793, and Sections 10 and 15, Regulation V. 1793, and Section 10, Regulation XIII. 1793. Sudder Dewanny Adawlut, on receipt of any report made to them of negligence or misconduct of Judges or Ministerial Officers of Courts, in pursuance of Section 10, Regulation V. 1793, or Section 10, Regulation XIII. 1793, after making such enquiries as they may judge proper, on proof or explanation of the circumstances stated, shall, if the case appear to require the notice of the Governor General in Council, report the same, with copies of all proceedings and papers. The Court of Sudder Dewanny Adawlut required to report to the Governor General in Council, all instances of wilful neglect of duty or aggravated misconduct by a Company's servant, whether Judicial or Ministerial, which may become known to them. But if for an error of judgment or slight default, the Court may, of their own authority, notice the same for the guidance of the party, or admonish them of the default.

8th and 9th. Rescinded by C. 1, Section 3, Regulation XXVI. 1814.

OATH OF JUDGES OF N. A.

10th. Rescinded by Section 2, Regulation X. 1805, which is rescinded by Sections 2 and 3, Regulation XV. 1807, Section 3, lastmentioned is again rescinded by Section 2, Regulation XII. 1811.

11th. The Judges of the Court of Nizamut Adawlut to take the oath prescribed for the Judges of the Court of Circuit, by Section 34, Regulation IX. 1793, (Foujdarry.)

The

## REGULATION II.

Court of Nizamut Adawlut.

12th. The Court to possess all the powers and perform all the duties described in former Regulations, under the modifications prescribed therein, and the following further provisions.

13th. Modified Section 5, Regulation VIII. 1808, and Sections 17 and 18, Regulation XXV. 1814. (Foujdary.)

To be an open Court, and holden as directed in Section 66, Regulation IX. 1793, subject to the same provisions as prescribed in Section 6, *for* Sudder Dewanny Adawlut.

Extension of Section 7 to Magistrates, &c.

14th. The powers vested by Section 7, in the Sudder Dewanny Adawlut, for suspending Judges, &c. extended to the Nizamut Adawlut. The same provisions against neglect or disobedience, applicable to the Courts of Circuit and Zillah and City Magistrates. Reports to be made as prescribed by Section 15, Regulation V. 1793, by the Courts of Circuit to the Nizamut, in cases of neglect or misconduct of the Magistrates. The Nizamut Adawlut to proceed on such reports made in pursuance of Section 63, Regulation IX. 1793, and Section 10, Regulation XIII. 1793, in the same manner as the Court of Sudder Dewanny Adawlut is authorized and directed by Section 7, the rules and provisions in which Section to be considered applicable to the Courts of Circuit, Magistrates, and all other Officers of Police.

Application for Leave of Absence by Judges of P. C.

15th. All applications for leave of absence from Judges of Provincial Courts of Appeal and Circuit, to be made to the Governor General in Council, as prescribed for the Zillah and City Judges and Magistrates, by Section 2, Regulation IV. 1796; but previous to leave of absence being granted, a reference to be made to the Courts of Sudder Dewanny and Nizamut Adawlut to ascertain the state of the public

public business depending before the Judge or Magistrate applying for leave of absence, and whether it can conveniently be granted.

PROCEEDINGS OF S. D. & N. A.

16th. Proceedings of the Sudder Dewanny and Nizamut Adawlut not to be kept in the English language, further than the Courts may find convenient and conducive to regularity. Nor copies of any proceedings hereafter required, except in cases of appeal to the King in Council, or of reference to the Governor General in Council.

OFFICES OF TRANSLATOR ABOLISHED.

17th. Office of translator to the Sudder Dewanny and Nizamut Adawlut abolished; any requisite translations hereafter to be made by the Register and assistants, or the Court may cause the same to be made by any other competent person, in the manner as authorized by Section 3, Regulation X. 1799, (Foujdary.)

18th. Provincial, Zillah and City Courts not to furnish translates of original papers sent to the Sudder Dewanny Adawlut, unless expressly required by a precept, or order of that Court, or by any Regulation.

TRANSLATIONS NOT REQUIRED.

19th. Section 3, Regulation XIX. 1797, repealed. P. C. not to require translations from the Zillah and City Courts, unless required by the Sudder Dewanny Adawlut. Translations, when required from the Provincial, Zillah or City Courts, to be made as directed in Sections 4 and 5, Regulation XIX. 1797.

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REGULATION III.

1802 | SECTIONS

## REGULATION III.

*Security from Defendants in Civil Suits.*

JUDGES TO DETERMINE EXTENT OF SECURITY.

2d. Explained and Modified Sections 2 and 4, Regulation II. 1806.

Judges of Zillah and City Courts authorized to use their discretion *in fixing the extent of security* to be required for appearance of defendants in conformity with Section 5, Regulation IV. 1793, and VIII. 1795, (Benares), and for which a form of bond is prescribed in Section 3, Regulation XI. 1797; and with respect to the responsibility of the surety, shall only demand such security as may appear necessary to secure the appearance of defendant; which, however, may be extended if insufficient. If judgment be given against defendant, the Judge shall *immediately proceed to execute judgment*; or if appealed, immediately take the required security for *staying execution of the decree*. In like manner, during trial of appeal in the Provincial Court, the Court is authorized to require further security, if it shall appear requisite from the respondent, and in the event of passing judgment against the respondent, shall proceed as directed with respect to judgments against defendants in the Zillah Courts. The same power of requiring such additional security as may be deemed necessary, vested in the Sudder Dewanny, as already provided with respect to security for staying execution of decrees, by Section 3, Regulation V. 1798.

Modified C. 1 to 8, Section 15, Regulation XXVI. 1814.

Vide C. 2, Section 11, Regulation XIII. 1808.

SECURITY FROM RESPONDENT.

3d. Rescinded by Section 2, Regulation XXVII. 1814, and Section 2, Regulation XXVIII. 1814.

POWERS OF THE REGISTERS.

4th. The powers vested in Judges, in the two preceding Sections, with respect to security, to be taken from Defendants, also vested in Registers, (part rescinded*).

* Section 2, Regulation XXVII. 1814.

The

1802 | Sections

INSTITUTION FEE IN SUITS PREFERRED BY PAUPERS.

## REGULATION III.

5th. Vide Section 2, Regulation XXVIII. 1814.

The institution fee paid by appellants in *suits decreed in favor of a pauper*, but reversed in appeal, to be returned to appellant, and the amount to be recovered from any eventual property of respondent as prescribed in Section 3, Regulation XLVI. 1793, in all other cases the Court of S. D. A. are empowered to direct *the return of the institution fee*, or otherwise, as they may deem proper, on consideration of the circumstances of the case.

Vide Section 11, Regulation XIII. 1810. Sections 8 and 9, Regulation XXIV. 1814. Section 2, Regulation XXVI. 1814.

6th. Rescinded by Section 2, Regulation XXVIII. 1814.

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## REGULATION IV.

1802 | SECTIONS

Occasional Second Court of Appeal for Division of Dacca.

## REGULATION IV.

2d. For the purpose of expediting the decision of civil causes, two occasional Courts of Appeal to be formed from the four Judges of the Dacca Court. Court how formed, and on what principles to proceed and decide suits.

3d. What Officers to attend the two Courts respectively—their meetings where held, and their processes how issued. Judges authorized to entertain any additional native officers, during their meetings, that may be required, reporting the expense to the Governor General in Council—such additional establishment only to be temporarily entertained.

4th. Sudder Dewanny Adawlut empowered to determine the period of the operation of this Regulation, and to issue subsidiary instructions for giving it effect.

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## REGULATION XLIX.

1803 Rescinded by Section 2, Regulation XXIV. 1814, and Section 2, Regulation XXIII. 1814.

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## REGULATION V.

1804 | Sections

# REGULATION V.

*Appointment and Removal of Native Officers of Government.*

2d. Rescinding such parts of Section 2, Regulation XIII. 1793, (extended to Benares by Regulation XII. 1795), and of Section 2, Regulation XII. 1803, (C. P.) as authorize the Zillah and City Judges to appoint and remove their respective native officers, with the exception of Mirdahs of the Nazirs, &c.

3d. Section 13, Regulation II. 1793, and Section 13, Regulation V. 1795, (Benares,) rescinded in such parts as relate to the appointment and dismissal of the native public servants on the establishment of the Collector, with the exception of Record-keepers and Treasurers.

OF WHAT OFFICERS.

4th. Modified. Sections 7 and 10, Regulation VIII. 1809, and Section 7, Regulation XVII. 1816. (Foujdary.)

Head ministerial native officers, who are now, or may hereafter be, employed in the several offices of the Judicial, Revenue, and Commercial Departments, specified in this Section, not to be removed without the sanction of the *Governor General in Council.*

RESIGNATION.

5th. Applications of head native officers for permission to resign, to be publickly received and recorded, and transmitted for the orders of

Ditto Ditto. *the Governor General in Council.*

MODE OF PROCEEDING TO OBTAIN DISMISSAL.

6th. Whenever any of the authorities above specified, shall see cause for the removal of their head native officers, on the ground of misconduct, incapacity, or otherwise, to communicate to such officer, the grounds on which they may consider him undeserving or incapable, and require him to state what he may have to urge in his defence, on receipt of which copies and translations of the communications and answer, with any other necessary documents, to be transmitted

REPORT IN CASES OF VACANCY.

transmitted for the information and orders of the *Governor General in Council.* In cases of any gross misconduct by any head native officer, he may be immediately suspended, and another person nominated to act in his place, till orders on the case can be obtained.

7th. Reports likewise to be made to the prescribed authority, whenever any vacancy may occur in any of the offices above specified, from death or other cause.

CHANNEL OF CORRESPONDENCE.

8th. Modified. Regulation VIII. 1809. Superseded by ditto ditto.

Courts of Sudder Dewanny and Nizamut Adawlut, and Boards of Revenue and Trade, *(through whom correspondence to be conducted) to furnish their opinion on the propriety of accepting the resignation or of the dismissal proposed of any head native officer.*

9th. On any vacancy in any of the above offices, a proper person to be nominated for the approval of the prescribed authority, and information to be furnished respecting the past employment, character and qualifications of the proposed person.

LAW OFFICERS AND CAUZIES.

10th. Modified. Sections 4 and 10, Regulation VIII. 1809, Section 7, Regulation XVII. 1816. (Foujdary.) Vide Sections 2 and 8, Regulation XIV. 1817.

Rules contained in the five preceding Sections, applicable to *the Law Officers, the Cauzees and Record-keepers, and principal Police Officers,* in addition to, and in amendment of, the rules now in force for their appointment and removal; but *Tuhseeldars in the Benares and Ceded Provinces* not liable to suspension under Section 6th, and their nomination on vacancies *how made.*

Power

*Appointment and Removal of Head Native Officers of Government.*

11th. Power reserved by the Governor General in Council of extending the provisions of Sections 5 to 9, to any other description of native officers.

NAZIRS.

12th. Nazirs to appoint their own Naibs, Mirdahs, and Peons, as authorized by Section 2, Regulation XIII. 1793, subject to the responsibility therein prescribed for their good behaviour—they may also, on sufficient cause, and with the sanction of Judge and Magistrate, remove such persons. *Police Darogahs vested with the same authority.*

Rescinded. C. 2, Section 3, Regulation XX. 1817.

13th. The principle of the foregoing Sections applicable to the same description of public servants in the Revenue and Commercial Departments.

SALARIES UNDER TEN RUPEES.

14th. Native officers, whose salaries may not exceed per month 10 Rupees, may be appointed by the authority to which they are immediately subject, but in case of removal, the reasons to be recorded.

15th. Native officers employed in any of the departments specified, whose salaries may exceed 10 Rupees per month, and whose appointment or removal not expressly reserved to the Governor General in Council, *by what authority* to be appointed or removed.

Modified. Sections 4. 7 and 10, Regulation VIII. 1809, and Section 7, Regulation XVII. 1816.

VACANCIES REPORTED.

16th. A report of any vacancy that may occur, or of any persons desirous of resigning, or deemed disqualified, to be made to the proper

Ditto. controling authority—receiving their resignation, or taking their

*Appointment and Removal of Native Officers of Government.*

their defence, according to the rules prescribed in Sections 5 and 6, which authority will pass such orders thereon as may appear proper.

Suspension from Office.

17th. Vide Regulation VIII. 1809. Section 7, Regulation XVII. 1816.

Native officers, described in Section 15, who may be guilty of gross misconduct, may be suspended, as authorized by Section 6, but report to be immediately madc to the proper controling authority.

Vacancies.

18th. Ditto.

On any vacancy in the station of native officers, described in Section 15, a fit person to be nominated for the approbation of proper authority, and prescribed information respecting his character and qualifications to be furnished.

19th. Rescinded. Section 2, Regulation XXIII. 1814.

Rules contained in four preceding Sections, applicable to the *native commissioners* and the Khazanchies of Collectors, in amendment of the rules now in force for their appointment and removal, also to include Tuhseeldars in Bengal, Behar and Orissa.

Statements of Establishments.

20th.

Complete statements of establishments to be transmitted to the Civil Auditor by the several authorities herein referred to.

21st.

Future removals and appointments to be communicated to the Civil Auditor by the Register of the superior Court, or the Secretary to the Boards, for the purpose of making the requisite alterations in the book of Civil Establishments.

The

1804 | SECTIONS

*Appointment and Removal of Native Officers of Government.*

# REGULATION V.

22d. The authorities specified in this Regulation, to insert in all detailed statements of establishment required, with their account, the names of all native officers receiving a salary of 10 Rupees or upwards.

ALTERATIONS PROHIBITED.

23d. Any alteration in the fixed distribution of salaries of native officers prohibited, as well as any alteration in the number and designation of the officers composing establishments, without the express sanction of the Governor General in Council.

24th. Public offices referred to not hereditary—and may, at any time, be abolished by the Governor General in Council.

OATH OF COLLECTORS OF REVENUE.

25th. Revenue. Section 3, Regulation II. 1793, (Revenue) modified—Oath of Collector may be taken before any person appointed by the Governor General in Council, instead of one of the Judges of the Supreme Court; but in such case, to be transmitted, duly subscribed and attested, to the Register to the Sudder Dewanny Adawlut, to be recorded in that Court.

26th. The following form of oath prescribed to be taken by persons employed in the collection of the public revenues.

FORM OF OATH.

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REGULATION I.

1805 | SECTIONS

*Appeals to Sudder Dewanny Adawlut from Courts Established at Chandernagore and Chinsurah.*

# REGULATION* I.

2d. C. 1. An appeal allowed to the S. D. A. in all suits instituted, heard, and determined in the first instance in the European Courts of Civil Justice at Chandernagore and Chinsura, provided the appeal be preferred within three months, or that sufficient reason be assigned for delay.

C. 2. An appeal to the S. D. A. to be allowed in suits originally heard and determined in the Native Courts of Civil Justice at Chandernagore and Chinsurah, and subsequently heard and decided in appeal in the Court of Appeal at those settlements; provided the amount, or value of the sum adjudged, exceed the sum of Rupees 5,000, and that the appeal be preferred within the prescribed time.

C. 3. Discretionary power reserved to the S. D. A. of admitting special appeals in certain cases, although the amount adjudged, may be less than 5,000 Rupees.

3d. Appeal allowed by preceding clauses, not demandable in suits adjudged more than three months from the date of this Regulation, and respecting which no appeal, petition, or representation may have been preferred to Government; but S. D. A. to determine all appeals referred to that Court by the Governor General in Council, also empowered to admit a special appeal in particular cases, but caution to be observed in admitting such appeals.

Petitions

* This Regulation has been virtually Rescinded by Regulation II. 1820.

1805 | Sections | REGULATION I.

*Appeals to Sudder Dewanny Adawlut from Courts Established at Chandernagore and Chinsurah.*

4th. C. 1. Petitions of Appeals to the S. D. A. to be presented to the Judge at Chandernagore or Chinsurah: what to contain—security to be given by appellant.

C. 2. Judge how to proceed on receipt of petition with the prescribed securities. Precept to be issued by the S. D. A. on admitting an appeal.

C. 3. Judge to comply with exigency of precept, or make the return herein prescribed.

5th. C. 1. Appellants and respondents not required to attend the S. D. A. either in person or by Vakeel. Rule to be observed in case a reference to the parties become necessary, or occasion should arise for any additional pleading or petition.

C. 2. S. D. A. authorized to receive from parties, or through established pleaders, or on reference from Government, petitions relative to any matters of judicial cognizance depending before, or decided by, the Judge at Chandernagore or Chinsurah, and to issue orders thereon.

6th. S. D. A. authorized to refer back for further trial and judgment any cause in appeal not sufficiently investigated, or direct the taking and transmission of further evidence.

7th. All processes issued by the S. D. A. to be addressed to the Judge of the proper Court, who is to conform thereto, or make due return.

The

1805 | SECTIONS

## REGULATION I.

*Appeals from Chandernagore and Chinsurah.*

8th. The same laws and usages as govern the decisions of the Courts of Justice at Chandernagore and Chinsurah, to govern the decisions of the S. D. A. in all appeals under this Regulation. Particular law or usage which may have influenced the judgment, if not referred to in the decree, to be certified with the record of the cause to the S. D. A., which Court may also require evidence of any local usage.

9th. The Regulations in force for the administration of Civil Justice in the British Provinces not applicable to appeals under this Regulation, unless fully consistent with the provisions of it. But the principles of the Regulations applicable to the powers and authority of the S. D. A.

10th. Sudder Dewanny Adawlut empowered to frame rules of practice, and to prescribe an observance of them to the Courts of Justice at Chandernagore and Chinsurah.

11th. No institution fee to be levied on appeals under this Regulation, or stampt paper requisite for the pleadings or decrees thereupon—but litigious, groundless, or vexatious appeals, punishable by a fine to Government; contempt of Court, or other personal misconduct in any Judicial proceeding, also punishable by fine, and the parties liable to imprisonment, not exceeding six months, in default of payment, or recoverable from their property or securities.

Execution

1805 | SECTIONS

# REGULATION I.

12th. C. 1. Execution of decrees to be suspended during appeals to the S. D. A., provided security be given by appellant, (exception) provision to prevent an abuse of the rule.

C. 2. If appellant fail to give security, the decree to be carried into execution, also if so directed by S. D. A., and security, in such case, to be taken from respondent.

C. 3. Rules to be observed, if neither party be able to give security.

13th. What judgments of S. D. A. final. If exceeding 50,000 current Rupees, exclusive of costs, appealable to the King in Council—such appeals to be received by the S. D. A. under the provisions of Regulation XVI. 1797.

14th. Superintendent of Chandernagore and Commissioner of Chinsurah to cause this Regulation to be translated into the French and Dutch languages, and to be published for general information.

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REGULATION II.

1805 | Sections

## REGULATION II.

*Explaining Limitation of Time for Admission and Trial of Civil Suits.*

Claims of Government to 60 Years.

2d. C. 1. Limitation of twelve years for the institution of civil suits, prescribed by Section 14, Regulation III. 1793, not applicable to any public claims, instituted on the part of Government, by persons duly authorized.

C. 2. All claims on the part of Government, for the cognizance of which no special rules may be in force, declared cognizable under the Regulations, if duly preferred within sixty years from the origin of the cause of action; provided it be not previous to the Company's accession to the Civil Government of the provinces as below specified:

Bengal, Behar, and Orissa, ...... ...... 12th August, 1765.
Benares, ...... ...... ...... ...... 1st July, 1775.
Ceded Provinces, ...... ...... ...... 10th November, 1801.

Exception in Private Claims to 12 Years.

3d. C. 1. Limitation of twelve years also declared not applicable to private claims for immoveable property, if the occupant shall have acquired possession by fraud or violence, or if the person from whom such occupant derived his title shall have acquired possession by such means, and the property may not have been subsequently held under a fair title, believed to convey right, for a period of twelve years, provided that such violent, fraudulent, or unjust acquisition shall be established.

C. 2. In cases which may be only cognizable under the provisions contained in the preceding clause, the plaintiff to set forth the circumstances

1805 | SECTIONS | REGULATION II.

*Limitation of Time for Admission and Trial of Civil Suits.*

PRELIMINARY INVESTIGATION.

stances of unjust or dishonest acquisition in his plaint or replication, and evidence to be taken from both parties, if the allegation be denied by the defendant. After which, the Court to determine whether the suit be cognizable or not, under the foregoing provisions, and, if such determination, either in the original Court, or Court of Appeal, be in favour of the cognizance of the suit, the claim of right to be tried and determined, as if it had been preferred within twelve years.

EXPLANATION.

C. 3. No suits whatever to be held cognizable in any Court of Justice, if the cause of action shall have arisen sixty years before the institution of such suit. Preceding clauses further declared inapplicable to any private claims to property, by whatever title acquired, if held without molestation during twelve years antecedent to the institution of the suit, and the title believed valid.

C. 4. No length of time to bar the cognizance of suits for the recovery of property in cases of mortgage and deposit, nor in any cases wherein the possession shall not have been under a title, believed to convey a right of property to the possessor.

PROVISO.

4th. C. 1. Provisions contained in Section 15, Regulation VII. 1799, (Revenue,) for arrest of defaulting tenants and their sureties, and for summary enquiry into demands for arrears of rent, applicable only to recent arrears

PERIOD OF ONE YEAR FOR SUMMARY SUITS FOR ARREARS.

arrears due in the course of the current year, or immediately after the lapse of it, and not to be applied to any demands for rent due for more than a complete year before the application for such process. But the Judges, their Registers and Collectors (to whom revenue accounts may be referred for adjustment) not restricted from including in the adjustment of recent arrears, any arrears which may be found due beyond the period of one year, if the same shall appear equitable.

THREE MONTHS FOR 49th REGULAR SUITS.

C. 2. Limitation in the above clause extended to applications for summary process by land-holders and farmers against their agents employed in the collection of their rents, under Section 20, Regulation VII. 1799, on account of demands against them for money, or accounts embezzled or withheld.

5th. Cognizance by Summary process of complaints of forcible dispossession, instituted under Regulation XLIX. 1793, limited to three months, after such act of dispossession, unless sufficient cause be shewn for the delay in preferring a complaint.

ONE YEAR FOR FINES AND PENALTIES.

6th. All suits, complaints, or informations for fines or penalties receivable by Government, or by the informer, under the Regulations, for the recovery of which no specific period may have been fixed, to be preferred within one year after the fine, or act for which the penalty may be demandable, otherwise not to be admitted unless prosecuted on the part of Government, and sufficient cause be assigned for the delay.

Suits

1805 | SECTIONS

# REGULATION II.

*Limitation of Time for Suits for Penal Damages, or Fines on Information.*

ONE YEAR FOR PENAL DAMAGE.

7th. Suits and complaints for penal damages allowed by the Regulations to individuals, and for the recovery of which no specific period may have been fixed, to be also preferred within one year after the cause of action shall have arisen, or as soon afterwards as possible. No such suits or complaint to be received after one year, without sufficient cause for the delay. This restriction to be strictly applicable to complaints for penal damages, and not referrible to complaints for compensation, or indemnification for damages for actual loss sustained.

PERIOD OF APPEAL FROM WHAT DATE.

8th. Period of three months limited by existing Regulations, for appeals from decisions of Zillah and City Courts to P. C. A. and from that Court to S. D. A. as well as one month from decision of Register and Commissioners to Judges, or six months from the S. D. A. to his Majesty in Council, to be calculated from *the date on which a copy of the decree* appealed from may have been *delivered* or *tendered*, in open Court, *to the appellant* or his Vakeel, or in the event of the party or his Vakeel not being present, to receive a copy of such decree, the period of appeal to be calculated from the date of such non-delivery of decree, to be noted on the copy prepared for delivery, under the signature of the Judge, Register or Commissioners. The rule for endorsing on copies of decrees, the date of

Modified. C. 10. Section 8, Regulation XXVI. 1814.

1805 | SECTIONS

# REGULATION II.

*Limitation of Time for Institution of Suits.*

ENDORSEMENT ON DECREES.

Vide C. 1. Section 11, Regulation XXIII. 1814.

of tender or delivery prescribed to Judges and Registers to be carefully observed by *Commissioners.*

COPY OF DECREE OF CASES WHEREIN GOVERNMENT IS A PARTY.

9th. In suits and appeals wherein Government may be one of the parties, a copy of the decree to be sent, as soon as it can be prepared, to the Secretary to Government in the Judicial department, but not required to be on stampt paper, but to be duly authenticated and accompanied with a translation.

10th. Modified by provisions of C. 1 to 7, Section 2, Regulation XXVI. 1814.

11th. Rescinded by C. 1, Section 3, Regulation XXVI. 1814.

PETITION OF APPEAL TO WHAT COURT PRESENTED.

Modified. Section 8, Regulation XXVI. 1814.
Vide Section 13, Regulation I. 1814.
Vide Section 23, Regulation XXVII.

12th. Provisions in Sections 3 and 4, Regulation XII. 1797, and Section 12, Regulation IV. 1803, and Section 10, Regulation V. 1803, (C. P.) which require that petitions of appeal shall be presented to the Court, in which the decision appealed against may have been passed—qualified—and hereafter, the several Courts of Appeal may, if they see reason for so doing, receive such petitions of appeal, in cases appealable to them respectively, provided that such petitions of appeal be accompanied with an authenticated *copy of the decree* appealed from and *the requisite institution fee* and security for eventual costs *and Vakeel's fees,* unless the appeal be preferred in forma pauperis.

All

1805 | SECTIONS

# REGULATION II.

Limitation of Time for Institution of Suits.

TRIAL OF SUMMARY SUITS.

13th. All summary enquiries and processes for arrears of rent, forcible dispossession of land, or information against unlicensed venders or manufacturers of liquors or drugs, &c. to be conducted, as far as *practicable, by the Judges of the Zillah and City Courts*, with the assistance of the Collectors in the adjustment of accounts. But in cases of necessity, from pressure of other urgent business, Judges are authorized to refer the same *to the Register, provided the cause of action* be such as would be referrible to them in a regular suit. Judge may, at any time, recal such references, and investigate them himself, and may, in particular cases which may appear to require it, revise and amend the order passed by the Register.

Vide C. 7, Section 12, Regulation XXIV. 1814.

Extended by Section 9, Regulation II. 1821.

POWERS OF REGISTERS IN ABSENCE OF JUDGE.

14th. C. 1. Explanation in the preceding Section not meant to restrict the powers of Registers when vested with authority to officiate as Judges, or during a vacancy in the office of Judge, under provision contained in Regulation IV. 1796, and Section 23, Regulation II. 1803. (C. P.)

C. 2. In explanation of Section 5, Regulation IV. 1796, and Section 15, Regulation XII. 1803, (C. P.) which prescribe the duty to be performed by Registers when not provisionally vested with authority of Judge, it is further declared, that the Register in the absence of the Judge, or during a vacancy in the office, although not invested with the authority of a Judge, may conduct, in conformity to the Regulations, any of the summary enquiries referred to, which may

POWERS OF REGISTERS, &c.

may require immediate attention and process—may also receive any new suits instituted according to the Regulations; refer to native commissioners such as are cognizable by them; try himself any of the suits referrible to him, under the prescribed limitations, and summons defendants, and receive pleadings, documents, and lists of documents in suits cognizable by the Judge only—may likewise, in cases of urgency, but not otherwise, take the evidence of witnesses in the suits last mentioned, in the mode prescribed by the Regulations.

APPEALS NOT TO BE TRIED BY REGISTERS.

C. 3.

Vide Section 9 and 12, Regulation XXIV. 1824.

Appeals from decisions of native commissioners not to be tried by any Register who may not have been authorized to act as Judge, without *special authority for this purpose;* nor any Register, though authorized to officiate as Judge, to hear appeals from decisions passed by himself. In such cases, as well as in all cases of appeals from decisions of the Registers, when there may be no Judge or acting Judge on the spot, the P. C. A. may, to obviate any considerable delay, remove the appeal* from the Zillah or City Court to the Provincial Court, and proceed therein as in other appeals.

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REGULATION XIV.

* This is rendered unnecessary by provisions of Regulation XXIV. 1814, by which Zillah and City Judges are empowered to refer appeals from decisions of Munsiffs to Sudder Aumeens and Registers.

1805 SECTIONS

## REGULATION XIV.

*Administration of Civil Justice in Cuttack.*

2d. Zillah of Cuttack included in the jurisdiction of the Provincial Court of Appeal of Calcutta.

3d. Court of Dewanny Adawlut established in the Zillah for trial of civil suits.

4th. Jurisdiction not to extend to certain Pergunnahs annexed to Midnapore, but Governor General in Council may alter the limits of such jurisdiction, by an order in Council.

5th. Court prohibited from hearing, trying, or deciding civil suits, in which the cause of action shall have arisen twelve years antecedent to the 14th October, 1803, (date of surrender of Cuttack.)

6th. Such restriction to extend to cases of a private nature, between individuals of which cognizance would have been taken by the authorities established under the former Government, but not to civil suits originating in acts or engagements of the officers of the former Government, in their official capacities, or to suits in certain Zemindaries of which cognizance would not have been taken under the former Government.

7th. How the Zillah Court is to proceed, should any doubts be entertained, whether any suits are cognizable, under the preceding Section or not.

8th. Court prohibited hearing, trying, or deciding suits wherein the cause of action shall have originated twelve years antecedent to its institution, unless the complainant shall assign sufficient cause for the delay. Courts not, in any case, after the expiration of twelve years

| 1805 Sections | REGULATION XIV. |
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| | years, to entertain any suit in which the cause of action shall have arisen previous to the 14th October, 1803. |
| 9th. C. 1 to 5. | Prescribing rules respecting the payment of interest of money in Cuttack. |
| C. 6. Vide Sections 7 and 8, Regulation XVII. 1806. | Rules regarding the rates of interest on *mortgages*, &c. (corresponding with the provisions of Section 10, Regulation XV. 1793, with the exception of the dates.) |
| 10th. | Jurisdiction of S. D. A. to extend to Cuttack. |
| 11th. | General extension of the Regulations which are now, or may hereafter be, in force to Zillah Cuttack, with exception of certain estates of Hill Rajahs, specified in Section 36, Regulation XII. 1805. |

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## REGULATION XV.

1805 | SECTIONS

# REGULATION XV.

*Law Officers appointed Commissioners for Trial of Suits.*

2d. Vide Section 6, Regulation XXIII. 1814. Amended Section 68, ditto.

Law Officers of Zillah and City Courts to be *Sudder Aumeens*, in virtue of their offices, for the trial of civil suits which may be referred to them by the Judges of those Courts, *within the limitations* prescribed by the Regulations, (Section 9, Regulation XLIX. 1803, Section 26, Regulation XVI. 1803.)

3d. Vide Sections 2 and 60, to 77, Regulation XXIII. 1814. C. 2, Section 65, ditto.

The whole of the provisions contained in the above Regulations, as far as can be applied, *to be held applicable* to the law officers of the Zillah and City Courts, in their capacities of Sudder Aumeens, *but Sunnuds* of appointment not requisite.

COMPENSATION.

4th. Modified. Section 11, Regulation XIII. 1810.

As a compensation for trouble and expense of establishment, entitled to receive the institution fee paid in all suits decided by them on investigation of the merits, or adjusted by *Razeenamah,* in the same manner as other commissioners, by Section 11, Regulation XLIX. 1803, and C. 7, Section 4, Regulation XLIII. 1803.

SUDDER AUMEENS.

5th. Modified. Section 61, Regulation XXIII. 1814.

*S. D. A. empowered to appoint* two or more Sudder Aumeens in addition to the law officers, whenever it may appear expedient.

6th.

The whole of the provisions contained in the Regulations before mentioned, applicable to Sudder Aumeens appointed under the preceding Section.

# REGULATION II.

1806 | Sections

*Amending Rules of Process in Civil Suits.*

# REGULATION II.

Notice to Defendants.

2d. C. 1. The general first process against defendants to be issued by the Civil Courts on the institution of a suit, instead of a summons and requisition of security, as prescribed by Section 5, Regulation IV. 1793, and Section 5, Regulation III. 1803, (C. P.) shall be a notice only, containing a short statement of the demand, with a requisition to attend in person, or by Vakeel, to answer to the plaint on or before a certain day to be specified in the notice.

Through Agent.

C. 2. If the defendant have an accredited agent at the Court, especially empowered to receive such notices, the notice may be tendered to him, to be communicated to his principal, and such agent's acknowledgement endorsed thereon, to be accepted as sufficient service of the notice.

If out of Zillah how served by Peon.

C. 3. In cases where defendant may not have an accredited agent at the Court, authorized to receive such notices, or such agent shall decline to receive it, the notice to be served on the principal, through the Nazir of the Court, by a single Chuprassee, who shall require only the endorsement of its receipt by the defendant, or if he be absent, the acknowledgement of his principal agent or servant acting for him. If the defendant be resident in another jurisdiction, the notice to be transmitted to the Zillah or City Judge thereof, to be served in the manner prescribed. If the defendant be not resident within

If Residence unknown.

within any Zillah or City jurisdiction, and the suit be cognizable notwithstanding, either from the circumstance of the cause of action having arisen in such jurisdiction, or the property, (if immovable) being situated therein, the notice, in the latter case, to be served on the agent in charge of such property, and in the former case, in such manner as the Judge may deem most certain and convenient.

Notices to Weavers, &c.

C. 4. Notices issued to weavers, Molangees, and others employed in the Company's investment, and the manufacture of salt, to be served in the same manner as directed by the existing Regulations, with regard to summons on such persons.

If not found to be Ishthar'd.

3d. If a defendant, on whom notice may be served, shall abscond, or not be forthcoming, the Court, on receiving the Nazir's return, to issue a proclamation as directed in similar cases, by Section 11, Regulation IV. 1793, (and Section 13, Regulation III. 1803, P. C.) and in the event of the non-attendance of the defendant, either in person or by Vakeel, or attending and not making answer to the complaint, the Court, at the expiration of the period of the proclamation, to proceed to try the cause ex-parte, as provided by the existing Regulations.

4th. Defendant, after receiving the notice, and attending in person or by Vakeel, to be allowed to defend the suit to its termination, without

Security not required from Defendants except in certain cases.

out being called upon for security, unless it shall appear to the Court requisite. But if the Court shall be satisfied, that there are grounds to believe that the defendant intends to abscond, process may be issued either on the institution of the suit, or at any subsequent period during the trial, requiring the defendant to give the security required by Section 5, Regulation IV. 1793, under penalty of being committed to close custody until security be given, or the decree of the Court be performed, or until an attachment of property shall have taken place to ensure the execution of ultimate judgment. Security-bond to be executed in such cases, to correspond in substance with that prescribed in Section 3, Regulation XI. 1797, and in fixing the extent of security, the Court authorized to exercise the discretion vested in them by Section 2, Regulation III. 1802.

Malzaminy Security in Suits for Land.

5th. C. I.

Vide Note to Section 4, Regulation V. 1798.

C. 4, Section 11, Regulation XIII. 1808.

Malzaminy security to be required by the Court, in cases wherein there may be reason to believe that the defendant means to dispose of the property or land in dispute by private transfer, *or withholds the assessment, with the view of subjecting it to public sale, in order to prevent the execution of eventual judgment*, and in the event of sufficient Malzamin not being given within such period as may appear to the Court reasonable, the Court may cause the attachment of any land,

ATTACHMENT OF LAND OR EFFECTS.

land, or effects, or any other property belonging to the defendant, to the amount or value of the cause of action or suit depending.

ATTACHMENT HOW MADE.

C. 2.

Vide Section 13, Regulation XXVI. 1814.

Attachment to be made by a written order of the Court, to be read and proclaimed on the spot, and affixed up in a conspicuous place where the property is situated; after which, * any private alienation of the property in dispute, by sale, gift, or otherwise, *illegal and void*, and any un-authorized removal of such property, to evade execution of ultimate judgment, punishable as for resistance of process. In suits for landed property of considerable value, if necessary for the purposes of justice, the attachment may be made through the Collector until the suit be decided, or Malzamin be given in the manner prescribed in Section 6, Regulation V. 1791, and C. 9, Section 12, Regulation IV. 1803, (C. P.) but in other cases, the attachments made under this rule shall not, without special cause, be recorded

* Under the provision in this and the preceding Section, it would appear that any fraudulent sale or transfer of the property in dispute which may be made subsequently to the institution of the suit, but prior to the observance of the forms of process herein prescribed, would be legal and valid, and this rule must and does most extensively operate to prevent execution of judgment, and defeat the ends of justice, and likewise tends to prevent arbitration or private adjustment.

POSSESSION OF DEFENDANT DURING ATTACHMENT.

recorded on the proceedings of the Court, remove the defendant, or his representative from the possession and management of the lands attached, nor preclude any act of the defendant or his representative, consistent with the object of attachment.

ORDER ON JUDGMENT BEING PASSED.

C. 3. After the decision of the suit, the Court to pass such further order relative to the property as may be just and conformable to the judgment given in the case. If the decree be against defendant, all right and interest possessed by him in the property attached (with exception of arrears due) held answerable for the execution of judgment, or if the claim be dismissed, plaintiff to make good to the defendant, as part of costs of suit, all expences or losses which may have arisen to the defendant in consequence of such attachment.

SPEEDY TRIAL OF SUCH SUITS.

6th. Whenever any property may be attached, under the foregoing provisions, the trial of the suit to be proceeded in, and brought to a conclusion as early as practicable; the attachment also to be taken off on delivery of sufficient Malzaminy security at any time previously to the decision of the cause.

APPLICATION TO P. C. & S. D. A.

7th. Provisions of the two preceding Sections to be held equally applicable to the P. C. A. and Court of S. D. A. in all cases of conti-

nuance

1806 | SECTIONS

## REGULATION II.

*Explaining and Amending Rules of Process in Civil Suits.*

nuance of attachment in appealed causes by order of the Court of Appeal in default of giving security.

PROMISSORY NOTES OF GOVERNMENT SUFFICIENT SECURITY.

8th. Deposit of money or promissory notes, and other obligations of Government, to be received by the Courts as sufficient security instead of Hazirzaminy or Malzaminy securities, when such tenders are demandable to be held in deposit by the Treasurer of the Court.

9th. Rescinded by Section 2, Regulation XXIII. 1814.

SATISFACTION OF DECREES BY INSTALMENTS.

10th. Civil Courts restricted from granting indulgence of time in satisfaction of final judgments, when property either from the party or his sureties may be forthcoming, unless with the consent of the party in whose favor the decree may be passed, under an engagement for gradual payment or otherwise, a short postponement of sale of property shall appear equitable ; but when no property can be pointed out from which judgment can be enforced, and the party, or his security, against whom a decree may have passed, may be willing to engage for the liquidation of the amount by instalments, within such period as the Court may see reasonable, it is competent to the Courts, enstrusted with the execution of decrees, to accept the engagement so offered, and, in conformity therewith, to cause execution of the decree. In such cases, the persons delivering the accepted engagement to be immediately discharged, and not liable to further arrest in the execution of judgment, except on failure to perform the conditions

RELIEF OF INSOLVENT DEBTORS. DISCLOSURE OF PROPERTY ON OATH.

ditions of the engagement; nor any interest chargeable except it may be specified in the agreement.

11th.

Vide C. 7, Section 45, Regulation XXIII. 1814.

Zillah and City Courts, P. C. A. and S. D. A. empowered to afford *relief to insolvent debtors*, or their sureties, who may have no means of discharging the amount demandable from them, on receiving a statement, on oath, containing a fair disclosure of all property belonging to them of whatever description, and whether held in their own names or in the names of others, and to cause enquiry to be made to ascertain the truth of such statements, or the validity of any objections to them; and if, from the result of such enquiry, the statement appear to be true and faithful, and the person in confinement shall surrender for sale such property or such part thereof as the Court may deem proper to sell, the Court may order the release of the person in confinement, with or without Hazirzamin for appearance when required. But no debtor or surety entitled to release who may have been guilty of any fraudulent concealment of property, or any manifest fraud or misconduct, which may appear to the Court to render him an improper object of the relief which is intended for the benefit only of persons acting with good faith, nor shall

SUBSEQUENT SALE OF PROPERTY ON CONFINEMENT.

shall release from confinement, in any instance, prevent the creditor from bringing to sale, by application to the Court, in satisfaction of the demand, any property which may be subsequently possessed by the party released, or causing such party to be again confined if it shall subsequently appear, that he had been guilty of any fraudulent concealment of his property at the time of his discharge. All proceedings and orders passed by the Courts, under this Section, on representation of the parties, open to the revision and further orders by P. C. A. and S. D. A.

SUBSISTENCE MONEY TO DEFENDANTS.

12th. Amount paid for subsistence of persons in confinement, in satisfaction of judgments of Civil Courts, to be reimbursed in common with other costs of suit, where there may be any property forthcoming; but persons not to be detained on this account, where no property can be pointed out.

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REGULATION VII.

1806 | SECTIONS

*Re-establishment of Civil Court in Vicinity of Calcutta. Twenty-four Pergunnahs.*

## REGULATION VII.

2d. Vide Regulation XIV. 1814. — Civil Court to be established in the vicinity of Calcutta.

3d. — Limits of its jurisdiction to be the same as of that of the Magistrate of the 24-Pergunnahs.

4th. — From what period the jurisdiction of Zillah Hooghly and other Zillah Courts to cease in the Mehals described in Section 3, and provision for transmission of records of depending causes and causes decided.

5th. — Powers and duties of Judge of Civil Court to be the same as prescribed in the General Regulations.

6th. Rescinded. C. I and 2, Section 3, Regulation XIV. 1811. (Foujdary.) — Not to exercise any powers or perform any duties, appertaining to the *office of Magistrate*.

7th. Ditto ditto. — Powers and duties of Magistrate of 24-Pergunnahs by what persons to be exercised.

8th. — Section 26, Regulation XI. 1800, (Customs) Rescinded. Complaints against public officers at the presidency, which are cognizable in any Court of Zillah Dewanny Adawlut, to be received and tried in the Civil Court of the 24-Pergunnahs.



## REGULATION VIII.

Rescinded by Section 2, Regulation XVII. 1803, and Section 2, Regulation II. 1814.



| 1806 | Sections | |
|---|---|---|
| *Charges against Judicial Ministerial Officers.* | | **REGULATION X.** |
| | 2d. to 9th. | Rescinded by Section 2, Regulation XVII. 1813. |
| Security for Prosecuting. | 10th. Vide C. 2, Section 4, Regulation XVII. 1813. | Security not to be demanded, in the *first instance*, for prosecution of any charge received under this Regulation, or Regulation VIII. 1806. But Hazirzamin may be required at any period in the course of the enquiry. This provision also applicable to charges of corruption and extortion preferred against native law and ministerial officers of the Courts, in qualification of the rules contained in Regulations XII. and XIII. 1793, and Regulations XI. and XII. 1803, (C. P.) whereby security is required previous to the charge being received. |
| | | **REGULATION I.** |
| 1807 | 2d. | Rescinding Section 12, Regulation VII. 1794, (Foujdarry.) |
| *Single Judges of Provincial Courts of Appeal.* | 3d. Vide Section 4, Regulation XIII. 1810, and Section 10, Regulation XXV. 1814. | In absence of other Judges of Court of Appeal, a *single Judge* authorized to perform the duties specified in the following Section. |
| | 4th. C. 1. | To execute all decrees, precepts and orders of the S. D. A., to make returns in prescribed form, to receive petitions of appeal to S. D. A. duly presented, and to proceed therein as directed by the Regulations. |
| | C. 2. | To execute all decrees or orders passed by two or more Judges of Provincial |

## REGULATION I.



Modified. Vide Section 2, Regulation 1810, and Section 8, Regulation XXV. 1814.

Provincial Courts—but not to authorize *one Judge* to give any determination on the rights of the parties not expressly adjudged at a regular sitting of the Court.

C. 3. Vide C. 3. Section 4, Regulation XIII. 1810.

To receive and issue process on appeals from decisions of Zillah and City Courts duly preferred, but not in cases of *special appeal.*

C. 4.

To ascertain and determine the sufficiency of securities offered for admission of appeals or staying execution of decrees. To summon and examine witnesses for proving Vakalutnamahs and Moktarnamahs, or poverty of paupers, and receive pleadings and exhibits in appealed causes.

C. 5. Vide C. 4, Section 4, Regulation XIII. 1810.

To summon and examine *certain evidence* in cases appealed.

C. 6.

To proceed in causes referred for trial in the first instance by the Governor General in Council, or Sudder Dewanny Adawlut, in the manner above prescribed for appeals.

C. 7. Vide C. 6. Section 4, Regulation XIII. 1810.

To receive miscellaneous petitions relative to matters depending before Zillah and City Courts, and to proceed therein according to the Regulations, but *no final orders* to be passed on such petition by a single Judge.

C. 8.

To correspond with the Governor General in Council and with all Public Courts and Officers, and perform all miscellaneous duties arising

1807 | Sections | REGULATION I.

*Duties and Powers of Single Judges of Provincial Courts of Appeal in absence of other Judges.*

arising out of such correspondence or incident to the necessary discharge of the usual functions of an officiating Judge of P. C. A., and to furnish the monthly and other periodical accounts and reports prescribed by the Regulations or Orders of Government.

5th. In the execution of the duties above prescribed, a single Judge to possess the same powers as are vested by the Regulations in the Court collectively, subject to the following restrictions.

6th. Amended. C. 5, Section 4, Regulation XIII. 1810. *Not to commit witnesses for perjury*, but may hold them to bail, or cause them to be kept in custody till the case shall have been submitted for the determination of a competent Court.

7th. Vide Section 4, Regulation XIII. 1810. Powers vested by this Regulation in a single Judge not to prevent the Court at large, or any two Judges thereof, from re-examining witnesses, or performing any of the other acts herein specified.



## REGULATION XV.

2d. Rescinding Regulation X. 1805.

3d. Rescinded by Section 2, Regulation XII. 1811.



REGULATION XIII.

1808 | SECTIONS

Amount of Suits cognizable in the first instance in Provincial Court of Appeal.

## REGULATION XIII.

REGULATIONS RESCINDED.

2d.

Rescinding such parts of existing Regulations which vest original jurisdiction in the Zillah and City Courts of D. A. in regular civil suits, exceeding 5000 Rupees amount or value, or 500 Rupees annual produce, if for Lackraje land.

SUITS FOR 5,000 RUPEES.

3d. C. 1.
Modified. C. 1, Section 5, Regulation XXV. 1814, and C. 1, Section 2, Regulation XIX. 1817.

*Regular suits* for amount or value exceeding the sums above specified, to be instituted and determined before the P. C. A. in the division in which the property may be situated, or the cause of action may have arisen, or defendant may reside as a fixed inhabitant when the suit against him may be commenced.

PETITION OF PLAINT. INSTITUTION FEE AND SECURITY.

C. 2.
Vide Section 13, Regulation I. 1814.

Petition of plaint *and institution fee* to be delivered to the Provincial Court, but for convenience of parties, on their representation, P. C. may permit them to pay their institution fee and requisite security to the Zillah Court,—notice of permission so granted to be issued to the Zillah or City Judge, and a period to be fixed for compliance with it.

DISPUTE RESPECTING AMOUNT OF SUITS.

4th. C. 1.
Application extended. Section 4, Regulation XIX. 1817.

On any dispute between parties in a suit instituted in a Zillah Court, whether such suit be within the *limitation cognizable* in such Court, Judge to make preliminary enquiry to ascertain whether such suit be cognizable or not, and pass an order accordingly; party dissatisfied

COGNIZANCE HOW DETERMINED.

dissatisfied with the decision of the Judge, may prefer a summary appeal to the P. C. A. whose decision to be final—but such objection to the plaintiff's statement not to be received, unless offered, in the first instance, in answer to the plaint, and appeal from the order of the Judge limited to the period of one month, after the order be passed, unless sufficient cause be shewn for further delay.

C. 2. Petition of appeal may be presented either to the Zillah or Provincial Court; in the former case, the Judge to transmit the petition, with all the proceedings relative thereto, to the Provincial Court, and no further proceeding to be held in the case, till the receipt of the *determination of that Court.*

Vide. C. 2, Section 7, Regulation XXVI. 1814.

NO INSTITUTION FEE.

C. 3. No institution fee demandable on such summary appeals, and P. C. to award to pleaders employed, such portion of fees as may appear adequate, not exceeding one-fourth of the established fees—to be paid by the party, who may have misrepresented the cause of action.

DISPUTED AMOUNT IN P. COURT.

5th. C. 1. On any dispute between parties in a suit instituted in Provincial Court, whether such suit be not within the limitation cognizable in the Zillah or City Court, Provincial Court to make such previous enquiry as may be necessary to ascertain the point, and their determination final; but no such objection of defendants to be received unless offered in the first instance.

If

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# REGULATION XIII.

*Suits cognizable, in the first instance, in Provincial Courts of Appeal.*

INSTITUTION DE NOVO.

C. 2. If Provincial Court deem the suit cognizable in the Zillah or City Court, institution fee of plaintiff to be returned, and left to institute the suit de novo in the Zillah Court. Fees of pleaders to be paid by the plaintiff in the proportion as above.

TRANSMISSION OF SUITS PENDING IN ZILLAH COURTS.

6th. C. 1. Suits depending in the Zillah and City Courts, exceeding the limitation declared cognizable by those Courts, to be transmitted to the Provincial Court of the division, with the exception of suits, wherein the pleadings and evidence may have been completed, which are to be decided in the Zillah and City Courts—further exception of certain suits in an advanced state of investigation.

C. 2. No additional institution fee to be paid in suits transmitted, and if pleadings in the cause have been held, Provincial Court, on deciding the cause, to make an equitable allotment of the fees of the pleaders, between the Vakeels employed in the cause in the Provincial and Zillah Courts.

C. 3. Rescinded by Section 2, Regulation XXVII. 1814.

EXCEPTION OF SUMMARY SUITS.

7th. Provisions in this Regulation not applicable to summary suits of whatever amount or of whatever description.

8th. In addition to authority vested in the Judges of the Provincial Courts, by Section 18, Regulation V. 1793, empowered to employ their

DEPOSITIONS OF WITNESSES REQUIRED BY PROVINCIAL COURT.

Vide. C. 1. Section 11, Regulation XXIV. 1814.

their assistants, or principal native officers, to take the depositions of witnesses, in like manner as Judges of the Zillah and City Courts *are authorized by C.* 1, *Section* 21, *Regulation XLIX.* 1803.

9th. Provincial Courts competent to direct the Zillah and City Judges to take the depositions of witnesses who may reside at a distance from the Provincial Court, which renders their attendance inconvenient, or whom it may not be considered proper to summon. In such cases, the Provincial Court to *instruct the Zillah and City Judges* upon what points the witnesses to be examined, and their depositions to be taken in open Court, in the presence of the parties or their authorized pleaders.*

Modified. Section 11, Regulation XXVI. 1814.

10th. The Provincial Court may also cause evidence of a witness to be taken before a Judge of Circuit.

EXECUTION OF DECREES APPEALED FROM.

11th. C. 1. Existing rules for staying execution of decrees appealed from, for immoveable property, modified as follows.

C. 2. Persons who may obtain a decree in their favor for lands, or other immoveable property, to obtain immediate possession* thereof, although the decree be appealed from, provided they give sufficient security for performing the decree, which may be passed in appeal, in a sum equal to one years produce, if Malgoojary land, or ten years

* Qy. With or without Petition? Vide. C. 5. Section 15, Regulation XXVI. 1814.

*Execution of Decrees.*

EXECUTION OF DECREES FOR REAL PROPERTY APPEALED.

years produce if Lackhraje land, or if a house, or other immoveable property, the computed value thereof.

C. 3. The Court, however, to which the appeal may be preferred, competent, if they see cause to allow appellant to retain possession, giving the same security.

C. 4. Provided further, that if by the neglect of either party, left in possession of such lands, to pay the public assessment thereon, the public sale shall be ordered, the party not in possession, by paying the revenue, and giving the prescribed security, shall obtain immediate possession, and be entitled to charge the amount so paid, with interest thereon, in any adjustment of accounts which may be directed in the final decree in the cause.

EXECUTION FOR PERSONAL PROPERTY DURING APPEAL.

12th. C. 1. Execution of decrees for money or moveable property, to be stayed, or enforced, according to the established rules in force, with the following addition.

C. 2. Security to be given by appellants for staying execution of decrees, or from respondents, when such decrees are carried into execution during appeal, shall be sufficient to cover the interest that may arise on the amount payable under the decree, if confirmed in appeal

1808 | SECTIONS

# REGULATION XIII.

appeal according to the provision made in Section 3, Regulation XIII. 1796.

GOOD SECURITY TO BE TAKEN.

13th. Judges to be careful that the security in appeals be good and sufficient, and to cause the Nazir, or officers by whom the property of the *sureties* may be ascertained, to deliver in as accurate a statement as can be obtained of such property, with a full report of the enquiry made respecting it, and the Nazir to be held responsible for any wilful misrepresentation in his statement or report.

Vide Section 13, Regulation XXVI. 1814.

REGULATION VIII.

1809 | SECTIONS

# REGULATION VIII.

*Modification of Rules for the Appointment of Native Judicial and other Officers.*

2d. Rules contained in Regulation V. 1804, or other Regulations for the appointment and removal of native ministerial officers of Government modified.

POWERS OF PRINCIPAL AUTHORITIES.

3d. Principal Judicial, Revenue, and Commercial Authorities vested with the power of removing, appointing, or accepting the resignations of their ministerial native officers (*law officers* attached to the Courts of S. D. A. excepted,) without reference to Government.

Modified. Section 5, Regulation XVIII. 1817.

COURT OF S. D. A. MAY APPOINT LAW OFFICERS, &C.

4th. C. 1. Court of S. D. A. empowered to confirm the appointment and removal of the law officers of the Provincial, Zillah, or City Courts, and of the Zillah and City Cauzies, upon receiving the reports prescribed by Sections 5, 6, and 9, Regulation V. 1804, with the following modification of Section 6.

REPORT TO S. D. A.

C. 2. Provincial, Zillah, and City Courts to report to the S. D. A. when they may see cause for the removal of a law officer, or Cauzy, on any ground of misconduct or disqualification, and the S. D. A. will pass such order on the case as may appear proper.

5th. C. 1 to 5. Rescinded by Section 6, Regulation XVII. 1816, (Foujdarry.)

REPORT OF CIRCUIT.

6th. (Foujdary.) Magistrates to report to the Court of Circuit when they may see cause for changing the station of a Cutwal, or a Police Darogah, and *not to make such removals* without previous sanction of Court of Circuit,

Vide Section 7, Regulation XVII. 1816.

Circuit, except in particular cases of emergency, which are to be reported without delay.

APPOINTMENT AND REMOVAL BY P. C.

7th. C. 1. Provincial Courts of Appeal and Circuit empowered to confirm the appointment, removal, or resignation of all *native ministerial* officers of the Zillah and City Courts within their respective jurisdictions, who may receive a salary of 10 Rupees per mensem.

Vide Section 2, Regulation XXI. 1814, and Section 15, Regulation XXV. 1814.

C. 2. Provision contained in Section 5, relative to Police Officers, equally applicable to native officers referred to in the present Section.

8th. Rescinded by Section 2, Regulation XXIII. 1814.

EXCEPTION.

9th. Provisions of this Regulation not applicable to native officers of the Courts receiving less than 10 Rupees per mensem, or Naibs, Jemadars, &c. of the Nazirs, (excepting C. 5, Section 5, which is applicable to the whole of the native officers of Government,) respecting whom the rules contained in Sections 12, 13, and 14, Regulation V. 1804, to remain in force.

10th. C. 1. Sections 10 and 12 to 19, Regulation V. 1804, respecting native officers employed in the Commercial and Revenue Departments, to remain in force with the following modifications.

C. 2. Collectors of Revenue and Customs in the Upper Provinces subject

*Appointment and Removal of Native Officers.*

OFFICERS SUBJECT TO AUTHORITY OF BOARD OF COMMISSIONERS.

subject to the authority of the Board of Commissioners—to make their reports to that Board instead of to the Board of Revenue.

C. 3. Head native officers and record-keepers, employed under the Collectors, to be appointed by the Board of Commissioners or Revenue, on the reports of the Collectors, subject to the respective *authorities of those Boards*, and the Board of Trade vested with the same authority with respect to the appointment of head native officers in the Commercial, Salt and Opium Departments.

Vide Section 2, Regulation XXI. 1814.

C. 4. In cases of proposed removals, Collectors, Commercial Residents, and Agents, shall proceed in conformity with C. 2, Section 4, of this Regulation, instead of observing the rule contained in Section 6, Regulation V. 1804.

EXAMINATION OF WITNESSES.

C. 5. Collectors of Revenue and Customs, Commercial Residents, &c. authorized to administer oaths to witnesses whom it may be necessary to examine respecting the conduct of any native officers employed under them, and may send witnesses refusing to make oath to the Judge of the Zillah, to be confined in the Dewanny Jail.

11th. C. 1. Zillah and City Courts to furnish the Provincial Courts with complete statements, lists of persons on their establishments whose salaries are ten Rupees, or upwards, copies of which to be forwarded to the

## REGULATION VIII.

*Appointment and Removal of Native Officers.*

Statements of Establishments, &c.

the Civil Auditor by P. C. A. and Circuit, who is to report to Government, any diviations or unauthorized charges.

C. 2. Provincial Courts also to transmit to Civil Auditor, monthly report of all removals and appointments, either in their own establishments, or in any of the establishments of the Zillah and City Courts, within their respective divisions.

No alteration allowed.

12th. No alteration in the distribution or addition to the fixed public establishments authorized by this Regulation, without the special sanction of Government, but all correspondence on the subject of the Judicial and Police establishments of the Zillahs or Cities to *pass through the Provincial Courts*, who, in submitting to the S. D. or N. A., or to the Governor General in Council, any propositions of the Zillah and City Judges or Magistrates, shall, at the same time, communicate their sentiments.

Modified. Section 15, Regulation XVII. 1816.

Powers reserved by S. D. and N. A. and G. G. in C.

13th. This Regulation not to preclude the G. G. in C. or the Court of S. D. and N. A. from ordering the removal of a native officer, on sufficient grounds appearing for such order, nor is this Regulation meant to prevent the exercise of the general authority vested in the Courts of S. D. and N. A. by the Regulations in force.

14th. G. G. in C. reserves the power of extending the rules contained in this Regulation, and in Regulation V. 1804, to any other native officers in the service of Government.

REGULATION III.

Sections

## REGULATION III.

Rescinded by Section 2, Regulation XXVIII. 1814.

## REGULATION XIII.

2d. C. 1. Existing Regulations which require two Judges of a P. C. A. to *constitute* a Court, modified.

C. 2. (Extended. Section 6, Regulation XXV. 1814.) In cases of necessity, from *absence* of the Judges, or from *vacancy*, a single Judge may hold regular sittings, and pass orders or judgment, subject to the following provisions.

C. 3. (Modified. Section 8, Regulation XXV. 1814.) If a single Judge, holding a sitting, should be of opinion, that a decision should be reversed or altered, *not to pass a decision until a second Judge be present.*

C. 4. No Judge of a P. C. to sit in appeal from a decision or order passed by himself.

3d. Decisions of a single Judge passed under the foregoing Section to have the same operation and effect as decisions passed by two or more.

4th. C. 1. Rules contained in Regulation I. 1807, applicable to single Judges holding sittings under the present Regulation, with modifications.

Sitting

## REGULATION XIII.

*Expediting Decision of Causes and Promoting Adjustment by Razeenamah.*

DUTIES AND POWERS EXERCISED BY SINGLE JUDGES OF P. C. A.

C. 2. Sitting Judge may perfect interlocutory decrees or orders, passed in conformity with Section 2, of this Regulation, provided he shall not reverse or alter a decree or order of any other Judge or Judges of the Provincial Court.

C. 3. Sitting Judge may determine on the admission or rejection of appeals, or of special appeals, (except in cases determined by himself,) subject, in case of rejection on default, to the further appeal allowed by the Regulations, to the Sudder Dewanny Adawlut.

C. 4. Sitting Judge may pass orders on admission of evidence, examination of witnesses, and other points connected with the trial of original suits and appeals before the Court, subject to the provisions of Section 7, Regulation I. 1807, for re-examination of witnesses by other Judges, who may generally pass any order in addition to, or in qualification or abrogation of, any previous order of a single Judge.

C. 5. Sitting Judge may commit or hold to bail for trial before a Judge of Circuit, witnesses guilty of perjury, in cases brought before him.

C. 6. Sitting Judge may receive and proceed in miscellaneous petitions regarding matters depending in or decided by Zillah and City Courts, in the same manner as the Court at large are empowered to do under the restrictions stated in this Regulation.

Sittings

5th. Sittings of P. C. to be held daily, (Sundays excepted, and established holidays,) report to be made to Sudder Dewanny Adawlut, if sitting prevented for two successive days.

6th. C. 1. Modifications of existing Regulations, which require two Judges present to constitute a Court of Sudder Dewanny Adawlut.

C. 2. Modified. by Section 16, Regulation XXV. 1814. A *single Judge* of Sudder Dewanny Adawlut may hold a Court, and *pass orders and judgment.*

C. 3. Ditto Ditto. Provision, when single Judge may be of opinion that a decision appealed against, should be reversed or altered.

C. 4. No Judge of S. D. A. shall sit in the trial of appeal, from a decision passed by himself.

7th. Decisions and orders of a single Judge, passed in conformity with the foregoing Sections, to have the same operation and effect as if passed by the Court at large.

8th. C. 1. Single Judge of S. D. A. may exercise the same powers, and perform the same duties as are specified in Section 4, with following modifications of Clause 3.

C. 2. May determine on admission or rejection of all applications for appeals,

*Expediting Decision of Causes and Promoting Adjustment by Razeenamah.*

POWERS OF SINGLE JUDGE OF S. D. A.

appeals, whether regular or special, except wherein the judgment or order appealed from, may have to be passed by himself.

C. 3. Single Judge restricted from reversing or altering, in any case, the decision or order of two more Judges of Provincial Court.

9th and 10th. Rescinded by Section 2, Regulation XXIII. 1814.

RETURN OF INSTITUTION FEE.

11th. C. 1. (Vide Section 13, Regulation I. 1814, and C. 1, Section 25, Regulation XXVI. 1814. Rescinded by Section 2, Regulation XXIII. 1814.)

In ~~original~~ suits or appeals, adjusted by Razeenamah, before the pleadings are completed or read, *the institution fee* to be returned to the party paying the same, or his legal representative, whether depending before a *Commissioner, Sudder or Mofussil,* or before a Judge, or Assistant Judge, or Register, or before a Provincial Court, or the Court of Sudder Dewanny Adawlut.

C. 2. (Modified. And parts relating to Munsiffs, and Sudder Ameens, rescinded by Section 2, Regulation XXIII. 1814. Vide Section 13, Regulation II. 1821.)

If Razeenamah be filed after the pleadings are completed and read, a moiety of the institution fee to be returned, and the remaining moiety, if the cause be depending before a *Commissioner*, or *Register*, to be paid to such officer.

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REGULATION XII.

1811

*Augmenting the number of Judges of Sudder Dewanny and Nizamut Adawluts.*

SECTIONS

## REGULATION XII.

2d. C. 1. Rescinding Section 3, Regulation XV. 1807.

C. 2. Courts of Sudder Dewanny and Nizamut Adawlut to consist of a Chief Judge, and as many Puisne Judges as the Governor General in Council may, from time to time, deem necessary for the dispatch of the business of those Courts.

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## REGULATION IV.

1812 | SECTIONS

## REGULATION IV.

*Suits instituted by or against Sovereign Native Princes.*

2d. C. 1. Claims of sovereign native princes (whether residing within the British Territories or not,) upon individuals, may be prosecuted by order of the G. G., through the medium of the public officers of Government, in the Courts in which such claims may be cognizable.

C. 2. In like manner, suits instituted by individuals against native princes, may be defended, by order of Government, by the public officers.

3d. Suits so instituted, or defended, to be conducted by the Collectors of the Land Revenue, and by Vakeels of Government at the several Courts, under the direction of the Board of Revenue, or Board of Commissioners, which Boards will be furnished with all necessary information by the Governor General in Council.

4th. A summary of all decrees passed by the Courts, either in original suits, or appeals, in which the Government may be a party, under this Regulation, to be transmitted, in English, to the Secretary to the Government in the Judicial Department, for the information of the G. G. in C., who will issue such order to the Revenue Board as may be requisite, and notification to the party concerned of the final judgment given in the action.

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REGULATION XVI.

1812 | SECTIONS

## REGULATION XVI.

*Execution of Judgments of Court of Requests by Judge of Twenty-four Pergunnahs.*

2d. C. 1. Judge of Zillah of Twenty-four Pergunnahs authorized, on a petition, to execute judgments passed by the Commissioners of the Court of Requests for the Town of Calcutta, against persons who may retire into that jurisdiction.

C. 2. If the defendant shall allege any cause against the execution of judgment, which shall appear to the Judge to require the determination of the Court of Requests, and shall give security (if required,) to satisfy the judgment, the Judge of Twenty-four Pegunnahs shall allow the defendant a reasonable period to apply to the said Commissioners, on expiration of which, unless defendant produce an authenticated order from the Court to stay execution, the Judge shall forthwith proceed to execute judgment.

C. 3. Defendants who may have been confined by the Commissioners, but liberated, under the rules established by Government on the 11th February, 1805, in consequence of not having received diet-money for a given period, shall not be again confined in execution of the same judgment, but, in such cases, execution shall proceed against the property only.

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## REGULATION XX.

1812 — Sections

# REGULATION XX.

*Modification of Rules respecting Registry of Deeds, &c.*

2d. C. 1. Rules to be observed by Registers in registering deeds of the description specified in Section 3, Regulation XXXVI. 1793, and in the corresponding rules of Regulation XVII. 1803.

C. 2. On completion of the entry, as prescribed in the above Section, the original deed to be returned to the party, with a certificate of registry endorsed by the Register.

C. 3. The entry in the registry book, not to be postponed beyond the day on which the endorsement may be made.

C. 4. Inspection of all deeds so registered, to be allowed by the Register.

C. 5. Copies of deeds, &c. to be granted to persons requiring them, and to be received in evidence in case of the originals being lost, proof being made, that the original was duly executed.

3d. C. 1. Engagements contracted with indigo planters (Europeans or Natives,) for the delivery of indigo plant, may be registered.

C. 2. A separate register book to be kept for that purpose.

C. 3. Optional with the parties to register such contracts, but after 1st January,

# REGULATION XX.

*Provisions for the Registry of certain Deeds, &c.*

CONTRACTS FOR INDIGO.

January, 1813, legal contracts so executed, shall be satisfied in preference to every other contract, for the delivery of indigo, being the produce of the same ground not registered.

C. 4. Rules for the registry of such engagements.

C. 5. The original deeds of contract to be returned with an endorsement.

C. 6. Certificate endorsed, a sufficient legal evidence of the registry.

C. 7. Register to allow all persons to inspect the book of registry.

C. 8. And shall grant copies of engagements registered to persons whom they may concern, and such copies to be received in evidence, if originals lost.

4th. What fees to be allowed the Register for registering deeds, or granting copies, and from such fees to provide necessary native officers.

NOTES, BONDS, &C.

5th. C. 1. After 1st January, 1813, Register authorized to register all bonds, notes, or other money engagements, provided the application be made

Notes, Bonds, &c.

made by the party, who may have executed such documents in person, or by representative.

C. 2. Separate registry book to be kept for the above purpose.

C. 3. Rules contained in C. 4, 5, 6, 7, and 8, Sections 3 and 4, applicable to the registry of bonds.

Judges to Countersign Copies of Deeds and Report Irregularities to Government.

6th. C. 1. Such part of Section 8, Regulation XXXVI. 1793, and Regulation XVII. 1803, as requires that each leaf of the registry books shall be attested by the signature of the Judges of the Zillah and City Courts, rescinded.

C. 2. The endorsements on the copies required to be kept, of deeds and transcripts, in the register books, to be countersigned by the Judges.

C. 3. Judge to report to the Secretary to Government in the Judicial Department, any errors, or irregularities, or deviation from the established Regulations in the conduct of the business confided to the registers of deeds.

7th. Registers not warranted in registering deeds of any description but such as are specified in this Regulation, and in Regulation XXXVI. 1793, and Regulation XVII. 1803.

8th. Registers to keep an account, in English, of fees received by them.

To

1812 | SECTIONS

*Registry of Deeds.*

## REGULATION XX.

9th. To prepare an index to the registry books.

10th. Powers of Attorney to be entered in a separate book kept for that purpose, which may be produced, by persons employed, to prove the registry of deeds on the part of others.



## REGULATION III.

1813 Rescinded by C. 1, Section 4, Regulation XXVI. 1814.



REGULATION VI.

1813. | Sections

Arbitration of Suits respecting Lands.

By Authority of Court.

Private Arbitrations.

# REGULATION VI.

2d. C. 1. Parties in suits depending in the Civil Courts respecting claims to land, or rights dependant thereon, at liberty to refer such suits to arbitration, and shall be encouraged so to adjust their differences.

C. 2. The rules contained in Regulation XVI. 1793, and Regulation XXI. 1803, to provide for arbitration and award, applicable to suits preferred under this Regulation.

3d. C. 1. Persons at liberty to refer their disputes respecting lands (whether depending in the Court or not) to private arbitration, without application to the Courts, and the award to be supported and enforced by the Courts, under the following rules and limitations.

C. 2. Execution of a private award, if applied for within six months, and not liable to any impeachment, which would have warranted the setting it aside, under the authority of the Court, to be summarily made as a decree of the Court—the arbitrators and umpires may be called upon to assist.

C. 3. Courts to allow equal validity to private awards tendered by parties in suits, which shall appear to have been performed, as if the award

# REGULATION VI.



Execution of Private Awards.

award had been made under the authority of the Court, but if the tendered award shall not have been performed, or only in part, the Court shall not admit the same unless clearly proved, and shall admit of easy execution, and any delay in the performance shall be duly accounted for.

4th. No former decree of Court, founded on awards of private arbitration respecting land, liable to be amended or reversed on the grounds of such arbitration not being authorized by the Regulations, unless the award itself be open to just cause of impeachment.

Land Disputes Certified to Dewanny Court.

5th. C. 1. Modified. By Sections 2 and 3, Regulation XV. 1824.

Foujdary Courts to certify to the Dewanny Courts, the existence of disputes respecting possession of lands by which the peace may be endangered, and the Dewanny Court to call upon the parties in person, or by Vakeel, to deliver a written statement of their possession, and adduce proof of their forcible dispossession and disturbance therein, and the Court, after hearing the statement of both parties, and evidence, to determine in the same manner as though a complaint had been regularly preferred.

C. 2. In all disputes regarding possession, especially boundaries, right of irrigation, &c. the Courts to endeavour to induce the parties to refer

refer the matter to arbitration, till regularly investigated by a regular suit, or for final adjustment, and the award to be executed (if open to no just cause of impeachment) by the Court.

*Arbitration.*

ATTACHMENT OF LAND.

C. 3. If the fact of possession cannot be ascertained, the Court may attach the property, and appoint a temporary manager to collect the rents, discharging the public revenue and necessary expences, and paying into Court any surplus collections; but this measure only to be resorted to when it may be found indispensable, after careful enquiry into the fact of possession; and estates, or lands, so attached, not exempted from the responsibility of the proprietors for the public revenue.

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## REGULATION XVII.

1813 | SECTIONS

## REGULATION XVII.

*Charges against European Public Officers.*

IN JUDICIAL DEPARTMENT.

2d. Rescinding Sections 4 to 19, Regulation VIII. 1806, and Sections 1 to 9, Regulation X. 1806.

3d. C. 1. Whenever any charge or complaint shall be preferred against any European Officer who has been or may be attached to the Judicial Department, of fraud, corruption, embezzlement, breach of public trust, or other gross misdemeanour, or when any matter implicating the conduct of a Judicial Officer shall appear in the course of any proceeding which may come before the S. D. A., or be specially reported by a subordinate Court, such charge or complaint shall be considered under the superintendence of the S. D. A., according to the following provisions.

IN REVENUE DEPARTMENT.

C. 2. Such enquiry into complaint or charges against an European Revenue Officer, to be conducted under the superintendence of the Board of Revenue or Board of Commissioners, to whose authority the accused may have been subject when the alleged misconduct was committed.

IN COMMERCIAL DEPARTMENT.

C. 3. Such enquiry into complaints or charges against European Officers employed in the Commercial, Salt or Opium Departments, or otherwise subject to the Board of Trade, to be conducted under the superintendence of that Board.

If

## REGULATION XVII.

*Charges against European Public Officers.*

OATH OF PROSECUTOR.

4th. C. 1. No accusation or information of the nature above described, against any public officer, to be acted upon, unless given in upon oath or under a solemn declaration from the deponent's personal knowledge of the facts or circumstances upon which the charges may be granted.

SECURITY.

C. 2. The Sudder Dewanny Adawlut, Boards of Revenue, and the Commissioners, and Board of Trade, competent to require the parties preferring such accusation or information, to furnish such security as may be deemed reasonable, to prosecute the same to a conclusion, and should not security have been taken in the first instance, may require it, if deemed necessary, at any subsequent stage of the enquiry.

PRELIMINARY ENQUIRIES.

5th. C. 1. Whenever any charge or information of the nature prescribed, shall be preferred direct to any of the superintending authorities above noticed, the complainant, or informant, to be first examined circumstantially, on oath, or solemn declaration, and general enquiries to the made by a reference to records, or by calling on the accused for an explanation, or otherwise, as the nature of the case may suggest, in order to satisfy their minds whether grounds exist for a regular and formal enquiry or otherwise.

C. 2. Every Court of Civil Judicature in which such charges may be preferred, shall examine the complainant, or informant, circumstantially,

tially, upon oath or solemn declaration, and transmit such deposition to the proper superintending authorities, for their consideration, and such further general enquiries as they may deem proper.

CONDUCT AND PROCEEDING IN PRELIMINARY ENQUIRY.

C. 3. Should any of the said superintending authorities respectively be of opinion, that the charge or information is frivolous or vexatious, they may merely inform the party that they do not see reason for entering further into the enquiry.

C. 4. Should the authority above noticed be of opinion, that grounds exist for a regular enquiry, they shall transmit to the Governor General in Council the documents upon which that opinion may be founded, with a specification of the charges, reduced to distinct heads or articles, which they would propose to be made the subject of investigation.

PPOINTMENT OF COMMISSIONERS.

6th. C. 1. Should the Governor General in Council concur in such opinion, he will appoint a Commissioner, or Commissioners, for the peformance of that duty, who shall take the oath following. (Form of oath).

C. 2. Governor General in Council will order the commission to be appointed and holden at such place as may be most convenient.

A general

## REGULATION XVII.





7th. Modified. Section 2, Regulation VIII. 1817.

A general control over the proceedings of the *Commissioners* vested in the respective *superintending* authorities—the Commissioners to apply to such authorities for any requisite instructions in the execution of the duties entrusted to them, for which provision may not be made by any Regulation, and such controlling authorities respectively empowered to pass such orders as may appear most consonant to equity and conducive to justice.—But, should any doubt or difficulty arise in the conduct of such investigation, for which it may appear requisite to make provision by a Regulation, the necessary draft to be prepared and submitted by such controlling authorities, for the consideration of the Governor General in Council.

8th.

Whenever a special commission may be appointed, under this Regulation, Government will determine, on a view of the nature and circumstances of the case, whether the accused shall be suspended from his office, and whether, if suspended, he shall be permitted to draw the allowances thereof.

9th.

Government will, likewise, determine, whether the conduct of the prosecution, before a commission, shall be left to the accuser, or be

undertaken

undertaken by Government, in the latter case Government will nominate a fit person for the performance of that duty.

10th. It shall be the duty of Commissioners, under this Regulation, after receiving the plaint, or charge, and the documents from which the same may have been prepared, to call upon the accused for his reply to the accusation, to examine upon oath, or under solemn declaration, the witnesses named by the accuser, or the accused, as having knowledge of the facts relative to the charges or defence, to receive any further written documents offered in support of, or in defence of the accusation, and to call for and to take any further requisite evidence which may be indicated by the witnesses adduced, or documents exhibited by either party.

11th. Commissioners appointed, under this Regulation, vested with the same powers as are exercised by the Zillah and City Courts, except that all process for attendance of witnesses, or other compulsory process, to be served through the Zillah or City Judge, in whose jurisdiction the commission may be held, or the person against whom process may issue may reside.

12th. On the close of the evidence, the accused at liberty to record any observations upon the result of the enquiry which he may deem

necessary

necessary for the vindication of his conduct or character—the accuser, or person appointed to conduct the prosecution, may also record any remarks on the subject of the prosecution which he may deem requisite.

13th. The Commissioner, or Commissioners, shall transmit their proceedings, with the whole of the documents, as soon after they shall be concluded, as circumstances may admit, to the proper *Superintending Board or Court* of S. D. A. with translates of papers, not in the English language, together with a summary of the pleadings and evidence, and his or their opinion on the merits of the case.

Modified. Section 2, Regulation VIII. 1817.

14th. The Superintending Board or Court of S. D. A., after duly considering the proceedings, and calling for any further evidence, which may appear attainable and requisite, shall submit the whole of the proceedings and documents to the G. G. in C. with their opinion, whether any, and what facts charged against the accused, appear to have been established.

15th. On the receipt of such report and proceedings, Government will decide upon the case, and, if necessary or proper, will direct the Law Officers of Government to prosecute the accused in the Supreme Court; at the same time, individuals deeming themselves aggrieved by any of the public officers, may seek redress in the Supreme Court, in the mode prescribed by law.

In

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*Charges against European Public Officers.*

# REGULATION XVII.

16th. EXPENCES OF PROSECUTOR.

In cases in which the charges or complaints preferred against any of the European officers above named shall, on a full investigation, appear well founded, the prosecutor or accused may make application to the Superintending Boards or Court of S. D. A. for reimbursement of the expense which may have been incurred in the conduct of the prosecution, and the said authorities will forward such petition to Government, with their opinion as to the propriety of indemnifying the party for any expense incurred, and the Governor General in Council will exercise his discretion in complying with such application or otherwise.

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REGULATION II.

1814 | Sections

# REGULATION II.

2d. Rescinding Sections 2 and 3, Regulation VIII. 1806.

Complaints against European Public Officers for Official Acts.

Petition of Complaint.

3d. C. 1. Whenever a petition of complaint may be preferred against a Collector, or other European Revenue or Commercial Officer of Government, for acts connected with his official duties, to any Civil Court competent to receive and try such cases, the Judge or Judges of such Court to transmit the petition to the Board to whose authority such officer may be subject.

Redress granted by Government.

C. 2. Vide Section 5, Regulation VIII. 1816. The Boards, on receipt of such petition, are to consider whether the redress solicited should be granted directly by Government, or whether the complainant should be left to prosecute his suit in the regular course of law.

C. 3. Ditto Ditto. Should the Board, after due enquiry, and reference to their records or local officers, be of opinion, that the party is entitled to redress, they shall report the same to Government, with their opinion, as to the nature and extent of the relief which should be granted.

Petition referred to the Court.

C. 4. Vide Section 8, Regulation VIII. 1816. On the other hand, should the Board be of opinion, that the party should be left to prosecute, they shall inform the Judge or Judges of the Court, in which the petition may have been presented, and such communication shall be deemed sufficient authority for the formal *institution and trial of the suit.* The Board will, at the same time,

*Complaints against Public Officers for Official Acts.*

time, decide whether the suit shall be defended by the public officers, as an action against Government, or by the individual affected by the complaint; and shall inform the Judge or Judges accordingly.

4th. The provisions of this Regulation only to apply to cases of the description specified in Sections 2 and 3, Regulation VIII. 1806, (against official acts) and are not applicable to charges of corruption, &c. which are to be received and tried under the provisions of Regulation XVII. 1813.

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REGULATION V.

1814 | SECTIONS

*Appointment of Four Judges to the Provincial Courts.*

# REGULATION V.

2d. C. 1. Parts of Section 2, Regulation V. 1793, Section 2, Regulation IX. 1795, and Section 2, Regulation IV. 1803, rescinded.

C. 2. The several Provincial Courts to consist of four Judges.

C. 3. Who shall exercise civil and criminal jurisdiction.

RULE RESPECTING SENIOR JUDGE.

3d. C. 1. (Foujdary.) Section 8, Regulation I. 1806, which requires that the Senior Judge should proceed in rotation on the circuit, rescinded.

C. 2. The duties of the circuit, including the jail deliveries at the Sudder stations, to be performed in regular succession by the 2d, 3d, and 4th Judges, and the Senior Judge to remain fixed at the principal station, for the conduct of the public business. But it shall be competent to the G. G. in C. or N. A., to order the 1st Judge to hold the session of jail delivery at the principal, or dependant station, or stations, whenever any exigency may, in the judgment of either of those authorities, appear to require the service of the 1st Judge in the discharge of such duty.

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REGULATION XIV.

1814 | SECTIONS

## REGULATION XIV.

*Separation of the 24-Pergunnahs from the Suburbs of Calcutta.*

2d. The existing jurisdiction of the Judge and Magistrate of the 24-Pergunnahs to be formed into two Zillahs, from the 1st of August, one to be denominated the Suburbs of Calcutta, the other, the 24-Pergunnahs.

3d. C. 1. Specification of the Thannahs to be included in the Suburbs of Calcutta.

C. 2. Specification of the limits of the jurisdiction of the 24-Pergunnahs.

C. 3. Reservation of power to the G. G. in C. to make any alteration in the above-mentioned limits of jurisdiction.



REGULATION XXI.

1814 | SECTIONS

*Employment of Native Creditors of Public Servants.*

## REGULATION XXI.

2d.

Extended to Commercial Residents, by C. 3, Section 2, Regulation VII. 1823.

The Zillah and City Judges, Collectors of Customs and Revenue, and Salt and Opium Agents, not to employ any native creditor on their respective public establishments. The Boards and Courts of Appeal and Circuit, on receiving reports prescribed by Regulation VIII. 1809, are to make any enquiries necessary to guard against a violation of this rule.

3d.

Ditto Ditto.

The above rule applicable to the relations or dependants of such native creditors.

4th.

Rescinded by C. 3, Section 2, Regulation VII. 1823.

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## REGULATION XXIII.

1814

*Powers and Duties of Munsiffs, Native Commissioners, and Sudder Aumeens.*

SECTIONS

## REGULATION XXIII.

REGULATIONS RESCINDED.

2d. Regulation XL. 1793, Regulation XXXI. 1795, Section 5, Regulation XXXVI. 1795, Section 8, Regulation XXXVIII. 1795, Clauses 1, 2, 3, Section 3, Regulation VI. 1797, Regulation XVIII. 1797, Section 20, Regulation VII. 1800, Regulation XVI. 1803, Section 3, Regulation XLIII. 1803, Section 9 to 19, Regulation XLIX. 1803, such parts of Section 19, Regulation V. 1804, as relate to Native Commissioners, Section 9, Regulation II. 1806, Section 8, Regulation VIII. 1809, Sections 9 and 10, Regulation XIII. 1810, such parts of Clauses 1 and 2, Section 11, Regulation XIII. 1810, as are applicable to Munsiffs and Sudder Aumeens, rescinded.

COMMISSIONS TO REFEREES AND ARBITRATORS.

3d. C. 1. Commissions granted to native referees and arbitrators (not being Munsiffs) to be recalled and cancelled, and those offices to be abolished.

C. 2. Rescinded. Vide C. 1, Section 2, Regulation XIII. 1824. Suits depending before such natives, in capacity of referees, to be transferred to Munsiffs *and Sudder Aumeens,* who *will be entitled to fees* on decision.

C. 3. Suits depending before them, in capacity of arbitrators, under what rules to be decided.

4th. Natives, vested with the powers of Munsiff, may determine all suits depending before them, as referees or arbitrators, but no additional suits to be referred, except in Zillah Chittagong, under Sections 57, 58, and 59, of this Regulation, nor authorized to admit new cases for arbitration,

arbitration, except under the general rules for arbitration prescribed by Regulation XVI. 1793, Regulation XV. 1795, Regulation XXI. 1803, and Regulation VI. 1813.

5th. Until new Sunnuds prepared, Munsiffs to exercise the powers conferred on them by this Regulation, under their former Sunnuds.

6th. C. 1. Extended by Section 2, Regulation II. 1821. New establishments of Munsiffs, whose *local jurisdiction* shall correspond with *those of the Police Thannahs*, to be submitted by the Zillah Judges to the Provincial Courts, and report the place most convenient for the establishment of the Munsiff's Cutchery.

C. 2. The jurisdiction of the Munsiffs to have the same local denomination as that of the Police jurisdiction.

C. 3. The number of Munsiffs at present entertained, to be augmented or reduced to correspond with the number of Police jurisdictions.

C. 4. When the selection of Munsiffs and their local stations shall have been sanctioned by the Provincial Courts, their former Sunnuds to be cancelled, and new Sunnuds to be granted according to the form (No. 1, Appendix.)

C. 5. Papers and proceedings, belonging to the offices of Munsiffs abolished, shall be transferred to those Munsiffs to whose jurisdictions they shall respectively appertain.

## REGULATION XXIII.

*Munsiffs, Native Commissioners, and Sudder Aumeens.*

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| | | 7th. | Provincial Courts authorized to exercise their discretion in altering the local jurisdiction or stations of Munsiffs, or reducing the numbers. |
| | Selection. | 8th. C. 1. | Hindoos or Mahomedans are to be selected by the Zillah and City Judges for the office of Munsiffs—a preference to be given to Pergunnah or City Cauzies. |
| | Qualifications. | C. 2. | Qualifications of persons proposed by Zillah and City Judges for Munsiffs, to be reported to the Provincial Courts, and previously to appointment, sanction of Court required. |
| | Fine, Suspension, or Removal. | 9th. C. 1. | Judge to report, for the information and orders of the Provincial Court, when he may see grounds for the removal of a Munsiff from office. |
| | | C. 2. | In what cases Judge may suspend a Munsiff from office without previous report, but the circumstance to be reported without delay. |
| | | C. 3. | Judge may fine a Munsiff, for misconduct, to the amount of twenty Rupees, and his order final. |
| | | C. 4. | Munsiffs not liable to dismission, except by Provincial Courts on sufficient cause. |
| | | 10th. C. 1. | Munsiffs may be sued in the Civil Courts for corruption, &c. and are liable to discretionary costs and damages. |

Munsiffs

# REGULATION XXIII.



LIABLE TO CIVIL AND CRIMINAL PROSECUTION.

C. 2. Munsiffs shall also be liable to a criminal prosecution for corruption, extortion, &c. and on conviction before the Court of Circuit, shall be liable to a sentence of fine and imprisonment proportionate to the circumstances of the case, but not liable to a prosecution for want of form, or for error in his proceedings or judgment; nor shall process issue against a Munsiff, unless, on previous enquiry into the charge, the Judge shall be satisfied there is reason to believe it well founded.

SUNNUD.

11th. Persons hereafter appointed to the office of Munsiff to be furnished, by the Judge, with a Sunnud, (form No. 1, Appendix) and to take and subscribe an oath, or solemn declaration, according to form (No. 2, Appendix).

12th. Copy of the Sunnud granted to the Munsiff to be affixed in his Cutchery.

AMOUNT OF SUITS COGNIZABLE.

13th. C. 3. Munsiffs may receive and try suits preferred against any native inhabitants of their jurisdictions, not exceeding in amount or value *sixty-four Rupees*, provided the cause of action shall have arisen within *one year* previously to the institution of the suit, and that the claim include the whole amount of the demand arising from such cause of action

Extended. C. 1, Section 3, Regulation II. 1821.

Extended. Section 12, Regulation XIX. 1817.

*Munsiffs and Sudder Aumeens.*

PROHIBITION AND RESTRICTION.

action, and provided the claim be not for damages, but for money due or value of personal property.

C. 2. Munsiffs not to try any suits in which themselves, or their relatives, or dependants, or Vakeels, or other persons employed in their Cutcheries may be parties, or in which a British subject, or an European foreigner, or an American, may be a party.

C. 3. Nor to admit persons to sue as paupers.

INJUNCTION.

14th. Munsiffs are to try suits themselves, and not to allow interference of others—in trial of suits to be guided by the Regulations, and the practice of Zillah Courts.

VAKEELS OF MUNSIFFS' COURTS.

15th. C. 1. No persons to plead or to act as Vakeels in the Court of the Munsiff, who shall not have received a Sunnud of appointment from the Zillah Judge, unless he be a dependant, relative, or servant of his constituent.

C. 2. Zillah and City Judges may appoint Vakeels for the Munsiffs' Courts when indispensably necessary, and grant them Sunnuds according to the form (No. 3, Appendix).

C. 3. Such Vakeels to be sworn to the faithful discharge of their duties, and

*Munsiffs and Sudder Aumeens.*

VAKEELS OF MUNSIFF'S COURT.

and liable to a civil action or criminal prosecution for frauds or abuses, but removable only by the Judge.

C. 4. Vakeels to settle with their constituents the amount of the fees to be received by them, which is to be specified in the Vakalutnamah.

C. 5. The Munsiffs to prevent unauthorized persons from acting as Vakeels in their Cutcheries.

INSTITUTION STAMP DUTY.

16th. Stamp duty to be levied on the institution of suits before the Munsiffs; in lieu of the former institution fee. Specification of the rates of duty on plaints or petitions.

ON SUITS.

Not exceeding 16 Rs. Stamp duty 1 Rupee.
.... Ditto...... 32 ...... Ditto ...... 2 Rupees.
.... Ditto...... 64 ...... Ditto ...... 4 Rupees.

PLAINT.

17th. What matters are required to be stated in the plaint.

18th. The insertion of irrelevant matter to be discouraged. The plaint to be signed, numbered, and dated, and to be inserted in a book to be kept according to the form prescribed (Appendix, No. 4.) to be periodically inspected by the Judge.

NOTICES.

19th. C. 1. Munsiff to cause a notice to be served on defendant—Contents of notice.

Such

C. 2. Such notice to be delivered to plaintiff, or his Vakeel, to be served.

C. 3. The service of notice to be acknowledged by an endorsement of defendant, and attested by witnesses.

20th. Notice how served on weavers, and others employed in the provision of the Company's investment.

21st. C. 1. If defendant shall not appear, or shall refuse to answer the plaint, the Munsiff to try and decide the cause exparte.

C. 2. But in such cases to ascertain, by enquiry, that the notice was duly served.

22d. C. 1. If defendant shall abscond or conceal himself, or refuse to give a written acknowledgement, the return how certified.

C. 2. In such cases, proclamation to be issued for appearance of defendants, within fifteen days.

C. 3. If defendant shall not appear, Munsiffs to proceed to try and decide the cause exparte, under the rule prescribed in C. 2, Section 21.

23d. Munsiffs not to require security from defendants in suits, but on proof of intention either to abscond or dispose of the property in his possession, for the purpose of avoiding execution of eventual judgment,

Defendant Absconding.

judgement, to report the circumstances to the Judge, for such orders as he may deem necessary, under the provisions contained in Sections 4 and 5, Regulation II. 1806.

24th. If defendant shall appear in person, or by Vakeel, any time before the evidence of the plaintiff shall have been received, to be allowed to file an answer to the plaint.

Pleadings.

25th. C. 1. Munsiffs to discourage the insertion of irrelevant matter in the answer.

C. 2. In what cases plaintiff may be allowed to file a replication on the next Court-day—what to contain.

C. 3. The rejoinder to be filed on the same day.

C. 4. Extended by Section 2, Regulation III. 1817. The above pleadings not required to be on *stampt paper*.

C. 5. The trial of a suit not to be postponed on any delay to file the replication or rejoinder.

Trial.

26th. Suits to be tried according to their order on the file.

27th. C. 1. Notice to be affixed in the Cutchery previously to the trial of the suit, if either party shall be absent when first called over for trial; if

| 1814 | SECTIONS | REGULATION XXIII. |
|---|---|---|
| *Powers and Duties of Munsiffs.* | | |
| APPEALS FROM EXPARTE DECISION. | | if, at the time appointed, the plaintiff shall not appear, the suit to be dismissed, or, in the event of absence of defendant, to be tried exparte. |
| | C. 2. | Appeals from such decisions to be tried on the merits, or referred back for investigation. |
| | 28th. | Munsiffs how to conduct the trial of suits. |
| MAY SUMMON WITNESSES. | 29th. C. 1. | Munsiffs authorized to summon witnesses who may not attend on the requisition of the parties (except women of rank). |
| | C. 2. | Contents of the summons. |
| | Extended. C. 3. Section 2, Regulation III. 1817. | Need not be on *stampt paper*, or liable to fee. |
| | C. 4. | Summons to be served by party applying (Poviso). |
| PROCESS TO ENFORCE ATTENDANCE OF WITNESSES. | 30th. | Summons of witnesses, how served against weavers and others employed in the provision of the Company's investment. |
| | 31st. C. 1. | Property of witnesses who may not attend after having been duly summoned, to be attached, and the Munsiff to report to the Judge. Further process of Judge to compel the attendance of witnesses. |
| | C. 2. | If such further process be insufficient to secure the attendance of witnesses, Judge may fine—how levied. |
| | C. 3. | Refusing witnesses, may be fined by Munsiff, but to be reported to the Judge for confirmation or otherwise. |

Witnesses

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*Powers and Duties of Munsiffs.*

Rules respecting Evidence of Witnesses.

32d. C. 1. Witnesses residing in other jurisdictions, how summoned.

C. 2. In what cases the evidence may be taken by written interrogatories, to be transmitted to the Judge.

33d. Witnesses not to be confined or detained longer than necessary.

34th. The evidence to be taken on oath or solemn declaration.

35th. But the solemn declaration may be dispensed with by consent of parties.

36th. Witnesses not to be instructed or intimidated, and all leading or irrelevant questions to be avoided.

37th. What a deposition is to contain, and how attested.

Exhibits.

38th. C. 1. Exhibits in suits before Munsiffs not liable to the payment of fees, but no exhibits to be admitted which are not written on the prescribed *stampt paper*.

Extended. Section 2, Regulation III. 1817.

C. 2. Munsiffs to report to the Judge instances in which exhibits may appear to be on stampt paper different from that which is prescribed.

Exhibits

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# REGULATION XXIII.

*Powers and Duties of Munsiffs.*

EXHIBITS.

C. 3. Exhibits filed to be dated, signed, and marked.

39th. The decision of suits to be passed on a consideration of the pleadings, exhibits, and evidence.

MATTERS TO BE SPECIFIED IN DECREE.

40th The decree to specify the names of the parties, and the witnesses examined, and the titles of the exhibits read. Also an abstract statement of the material facts alleged in the pleadings of both parties, and an elucidation of the principal grounds and reasons upon which the decision may be passed. It shall specifically state the sum or value of property adjudged, and amount of costs or damages payable by the respective parties—and suitable costs or damages shall be awarded if the claim shall appear evidently litigious or vexatious.

COPIES AND TENDER OF DECREE.

41st. C. 1. Two copies of the decree to be prepared and tendered to the parties—the date of tender and cause of non-delivery of copies to be certified by the Munsiff on the back of the copies.

Munsiff

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Powers and Duties of Munsiffs.

False Endorsement of Date.

C. 2. Munsiff liable to dismission and discretionary fine to Government, on proof of falsifying date or keeping back copies from either parties, with a view of preventing or obstructing appeal.

C. 3. Copies of decrees to be on unstamped paper.

42d. Munsiffs may fine, for disrespect of Court, in open Court, and report to the Judge for confirmation and enforcement, or otherwise.

Monthly and Half Yearly Reports.

43d. C. 1. Monthly report of suits decided, and proceedings in such suits to be transmitted to the Judge on the 15th of each month—according to form (No. 5, Appendix).

C. 2. Half-yearly report of pending suits to be transmitted to the Judge, according to form (No. 6, Appendix).

C. 3. Monthly and half-yearly reports, in what manner to be sealed and forwarded to the Judge.

44th. Munsiffs not to execute their own decrees.

Enforcement of Decree.

45th. C. 1. Vide C. 2. Section 15, Regulation XXVI. 1814. Parties wishing to *enforce a decree* to petition the Judge on stampt paper—petition to be presented within one year from date of decree.

C. 2. What the petition is to contain, and shall state whether an appeal has been admitted.

C. 3. The original decree to be examined, and compared with the petition.

If

# REGULATION XXIII.



PERIOD LIMITED FOR ENFORCEMENT OF DECREES.

C. 4. If an appeal shall have been admitted, execution of decree to be suspended or otherwise, according to the rules in force.

C. 5. If the period limitted for applying for execution of a Munsiff's decree shall have elapsed, and sufficient cause for delay be not shewn, the party to be referred to a new suit in the Zillah or City Court—what may, and what may not be pleaded by defendants in such suits.

C. 6. Vide Section 7, Regulation II. 1821. If the time allowed for enforcement shall not have elapsed, the decree *to be executed* (Proviso).

LIMITED TIME FOR IMPRISONMENT.

C. 7. In addition to the provision of Section 7, Regulation II. 1806, no person to be imprisoned in execution of a decree, not exceeding 64 Rupees, longer than six months. But any property belonging to such person may, at any time, be sold in satisfaction of decree.

APPEALS FROM DECISION OF MUNSIFFS.

46th. C. 1. Appeals from decisions from Munsiffs to be preferred within 30 days from the date of tender of copy. But the Judge may exercise a discretion in extending the period on sufficient cause.

C. 2. Petitions of appeal to be presented to the Judge, and not to be received by the Munsiff.

C. 3. To be presented in person, or by an authorized Vakeel. Fees to be allowed such Vakeel.

Divisions

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# REGULATION XXIII.

*Powers and Duties of Munsiffs.*

APPEALS FROM MUNSIFFS' DECISIONS.

C. 4. Divisions of Munsiffs not to be set aside for informality, but only on their merits.

C. 5. When an appeal may be admitted, the Judge empowered to suspend execution of decree, if appellant shall give the required security to perform the decree.

DISCRETIONARY POWER OF THE JUDGE IN THE DISPOSAL OF SUITS.

47th. Judge may try any suit depending before a Munsiff or refer to the Register or Sudder Aumeen, or transfer, for trial, from one Munsiff to another.

48th. When a vacancy may occur in the office of Munsiff, the Judge to nominate a successor.

COMPENSATION TO MUNSIFFS.

49th. C. 1. The compensation to Munsiffs for the decision of suits after 1st February 1825, to be as follows:—

C. 2. Vide Section 4, Regulation III. 1817. The full value of stamp paper, or amount institution fee, receivable by Munsiff in all suits, decided on their merits, or adjusted by *Razeenamah*.

MONTHLY STATEMENTS.

C. 3. Statements to be prepared and forwarded monthly to the Judge, of suits decided, but not to include those dismissed on default, and Munsiff not to receive any remuneration on suits so disposed of.

The

*Powers and Duties of Munsiffs.*

PAYMENT.

C. 4. The statement to be examined by the Serishtadar, and the sums receivable by Munsiffs to be paid through the Treasurer of the Court, on the order of the Judge.

OCCASIONAL DUTIES AND LOCAL INVESTIGATIONS BY MUNSIFFS.

50th. C. 1. The Judges may employ the Munsiffs in investigation of questions respecting local rights and usages, and generally, in all enquiries of a nature which may best be considered on the spot.

C. 2. Instructions and proceedings to be furnished to the Munsiffs in such cases.

C. 3. The investigation and proceedings of the Munsiffs to be received as evidence in such cases, unless the Judge be dissatisfied with them.

51st. C. 1. Munsiffs may be empowered to give possession of real property, under decrees, regular or summary.

C. 2. Munsiff how to be remunerated for such trouble.

C. 3. Remuneration to be forfeited, if the Munsiff shall be guilty of misconduct in execution of such duty.

52d. Munsiffs may be employed to sell personal property, by order of the Judge, for the realization of fines or decrees, and to receive a commission of one-sixteenth on amount of sale.

May

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|---|---|---|
| Powers and Duties of Munsiffs. Occasional Duties. | 53d. | May be directed to report on sufficiency of securities, and indigence of paupers. |
| | 54th. | The preceding rules not to preclude the employment of Aumeens or other officers of the Court. |
| | 55th. | Munsiffs to act as heretofore, in the sale of distrained property. |
| Special Rules for Cuttack. | 56th. | Local rule for Munsiffs in the town of Juggernauth-pooree in Cuttack. |
| Special Rules for Chittagong. | 57th. to 59th. | Local rules for Munsiffs in Zillah Chittagong. |
| Sudder Aumeens. | 60th. | The following rules enacted for explaining the duties, and defining the jurisdiction of the Sudder Aumeens. |
| | 61st. | Provincial Courts may, at their discretion, augment or reduce the number of Sudder Aumeens, at each Zillah or City Station. |
| | 62d. | Law Officers of the Zillah and City Courts to be ex-officio Sudder Aumeens. |
| | 63d. | Sudder Aumeens to be nominated by the Provincial Courts. |

Judges

## REGULATION XXIII.

*Powers and Duties of Sudder Aumeens.*

| | | |
|---|---|---|
| QUALIFICATIONS. | 64th. | Judges to report to the Provincial Courts, the qualifications of persons recommended for Sudder Aumeens. |
| SUNNUDS. | 65th. C. 1. | Former Sunnuds to be cancelled, and new Sunnuds to be granted according to form, (No. 7, Appendix.) |
| | C. 2. | Similar Sunnuds to be granted to persons who may hereafter be appointed Sudder Aumeens, but not to Law Officers of Courts. |
| | 66th. | Form of oath, or solemn declaration, to be taken, or subscribed by Sudder Aumeens, (Appendix, No. 8.) |
| | 67th. Modified by Section 6, Regulation II. 1821. | Sections 9 and 10 of this Regulation, applicable to the office of Sudder Aumeen—Cutcheries *where to be held.* |
| SUITS REFERRIBLE TO FOR TRIAL. | 68th. Extended by C. 1 and 2, Section 5, Regulation II. 1821. Rescinded by Section 4, Regulation XIII. 1824. | Judges may refer to Sudder Aumeens, original suits for money or personal property, not exceeding, *in amount or value,* 150 *Rs.* or for real property, not exceeding that value, calculated according to the provisions of Section 14,. Regulation I. 1814. But no suit to be referred in which the Sudder Aumeen, or any dependant of his, or Vakeel, is personally concerned, or in which an European may be a party, or in which plaintiff may be admitted to *sue as a pauper.* |

Cases

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## REGULATION XXIII.

*Powers and Duties of Sudder Aumeens.*

QUESTIONS OF LAW.

69th. Cases involving questions of law to be referred respectively to the Hindoo or Mahommedan law officers.

INSTITUTION STAMP DUTY.

70th. No institution fee to be levied on suits referrible to Sudder Aumeens—but stamp duty in lieu thereof.

If amount sued for not exceeding 16 Rupees,

| | | |
|---|---|---|
| The plaint to be on stampt paper value,............ | 1 | Rupee. |
| If not exceeding 32 Rupees, ........................ | 2 | Rupees. |
| If not exceeding 64 Rupees, ........................ | 4 | Rupees. |
| If not exceeding 150 Rupees, ........................ | 8 | Rupees. |

71st. Sudder Aumeens are, themselves, to investigate, in a public Court-room, suits referred to them, and not to suffer interference of others.

ALLOTMENT OF VAKEELS.

72d. Suits to be pleaded either by the parties in person, or by an authorized Vakeel of the Zillah or City Court—the Judges to allot to the Sudder Aumeen's Court, the requisite number of Vakeels, and the Regulations in force respecting authorized Vakeels, to be applicable to them.

73d. Provisions in Sections 18 to 23, in C. 4, Section 25, in Section 26, and in Sections 33 to 41, 43, 44, 46 to 49*, of this Regulation, applicable to suits referred to Sudder Aumeens. The special Rules in Sections 57, 58 and 59, likewise to be strictly observed by Sudder Aumeens, in all suits relative to inheritance or succession to landed property.

* Modified by C. 3. Section 5, Regulation II. 1821.

In

# REGULATION XXIII.

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*Powers and Duties of Sudder Aumeens.*

PROCESS OF SUDDER AUMEENS.

74th. In cases not expressly provided for, Sudder Aumeens to be guided by the practice of the Zillah and City Courts; but every process of Sudder Aumeens to be issued under the seal of the Zillah or City Courts, and signature of the Judge or Register, and executed through the regular officers of the Court; nor are the Sudder Aumeens to realize any fines imposed by them, but to report, for the confirmation and enforcement, or otherwise, of the Zillah or City Judges.

FINES.

REFERENCE OF APPEALS FROM MUNSIFFS.

75th. C. 1. Judges may refer to Sudder Aumeens, appeals from decisions of Munsiffs.

C. 2. A register book of such appeals to be kept by Sudder Aumeens, according to form (No. 4, Appendix,) and decisions of Sudder Aumeens on such appeals to be final, unless the Judge shall see reason to admit a special appeal, under the provisions of Section 2, Regulation XXVI. 1814.

C. 3. Rescinded by Section 2, Regulation XIII. 1824.

Such appeals to be tried as in the Zillah and City Courts, and Sudder Aumeens entitled to the same *fees* when decided on the merits, or adjusted by *Razeenamah*, as on decision of original suits.

76th. C. 1. Matters of account, and of fact and usuage, occurring in the trial of any cause by the Judge, may be referred to Sudder Aumeens for investigation and adjustment.

Instructions

1814 | Sections

# REGULATION XXIII.

*Powers and Duties of Sudder Aumeens.*

Miscellaneous Matters of Reference to Sudder Aumeens.

C. 2. Instructions to be furnished to the Sudder Aumeens on such references.

C. 3. What the instructions are to specify.

C. 4. The proceedings of Sudder Aumeens, on such references, to be received as evidence, unless the Judge shall have reason to be dissatisfied with them.

C. 5. Rescinded by Section 5, Regulation XIII. 1824. On completion of the duty, the Judge to cause suitable remuneration to be made to the Sudder Aumeen for his trouble, but not to exceed one-fourth the amount of the institution fee or stamp duty.

C. 6. Cases in which such matters to be referred to the Head Commissioner receiving a salary from Government, who shall not be entitled to remuneration.

77th. Powers vested in Zillah and City Judges, by Sections 50, 51, and 52, of this Regulation, extended to Registers but such reference to be made through the Zillah or City Judge, who will sanction the reference or otherwise, according to his discretion.

78th. Provisions of this Regulation not to apply to the foreign settlements.

APPENDIX, FORMS NO. 1 TO 8.

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# REGULATION XXIV.

1814 Modifying Jurisdiction of Zillah and City Civil Courts.

# REGULATION XXIV.

| Sections | |
| --- | --- |
| 2d. | Sections 2 to 8, and 20 to 27, Regulation XLIX. 1803, and C. 5, 6, and 7, Section 6, and Sections 11, 12, and 16, and Clauses 2, 3, and 4, Section 17, Regulation VIII. 1805, rescinded. |
| 3d. | ASSISTANT JUDGE. The office of Assistant Judge abolished. |
| 4th. | JUDICIAL QUALIFICATIONS. Rescinded by Section 8, Regulation IV. 1823. |
| 5th. | Rescinded by Section 8, Regulation IV. 1823. |
| 6th. C. 1. Extended. Vide Sections 2 and 3, Regulation XIX. 1817. | SUITS TO THE AMOUNT OF 5,000 RUPEES. Zillah and City Judges authorized to try and decide original suits to the value or amount of 5000 *Rs.* calculated according to the rules prescribed by Section 14, Regulation I. 1814. |
| C. 2. | APPEALS TO ZILLAH OR CITY JUDGE. An appeal to lie to the Judge from all decisions of the Munsiffs, Sudder Aumeens, or Registers, with exception of suits tried and decided by a Register, under the Provisions of C. 6, Section 9, of this Regulation. |
| C. 3. | May also admit a second or special appeal from decisions of Registers in appeals, referred to them under C. 4, Section 9, of this Regulation, and from the judgment of the Sudder Aumeens, in appeals referred to them from decisions of Munsiffs. In receiving and trying such appeals, Judge to be guided by the Rules contained in Section 2, Regulation XXVI. 1814. |

Judges

| 1814 | SECTIONS | REGULATION XXIV. |
|---|---|---|
| *Modifying Jurisdiction and Constitution of Zillah and City Courts.* SUDDER AUMEENS. | 7th. C. 1. | Judges not to refer to Sudder Aumeens for trial suits in which an European or an American may be a party. |
| | C. 2. Extended by C. 1 and 2, Section 5, Regulation II. 1821. | But may refer all other original suits to a Sudder Aumeen, *not exceeding in value or amount* 150 *Rupees*. |
| APPEALS FROM SUDDER AUMEENS' COURTS. | C. 3. | An appeal from decisions of Sudder Aumeens to lie to the Judge, whose decision shall be final, unless Provincial Court shall see grounds for admitting a special appeal, under the provisions contained in Section 2, Regulation XXVI. 1814. |
| APPEALS FROM MUNSIFFS' COURTS. | C. 4. | Appeals from the Judgments of Munsiffs may be referred to the Sudder Aumeens, whose decision is final, unless the Judge shall see cause for admitting a special appeal, under the Provision contained in Section 2, Regulation XXVI. 1814. |
| SUITS REFERRIBLE TO REGISTERS. | 8th. C. 1. Extended by Section 9, Regulation IX. 1819. | Judges may refer to *their Registers*, for trial and decision, original suits to the amount or value of 500 Rupees, calculated as prescribed in Section 14, Regulation I. 1814. |
| | C. 2. | Rescinded by Section 13, Regulation II. 1821. |
| | C. 3. | Ditto Ditto. |

Registers

1814 | SECTIONS

## REGULATION XXIV.

*Modifying Constitution and Jurisdiction of Zillah and City Civil Courts.*

FEES OF REGISTERS.

C. 4. Registers not entitled to fees on suits adjusted by Razeenamah, before the pleadings are completed in such cases, the whole of the institution fee on stampt duty, to be returned to the party.

C. 5. Rescinded by Section 13, Regulation II. 1821. On suits adjusted by Razeenamah, after the pleadings have been completed and read, *one moiety of the fee to be received by the Register*, the remainder to be returned to the party.

APPEALS FROM REGISTERS' COURTS.

C. 6. An appeal to lie to the Judges, from decisions of Registers in suits referred to them, under this Regulation.

C. 7. Decision of Judges, on such appeals, final, whatever be the amount adjusted or disallowed by them, unless the Provincial Court should see sufficient reason for admitting a special appeal, under the provisions of Section 2, Regulation XXVI. 1814.

ADDITIONAL POWERS OF REGISTERS.

9th. C. 1. Extended by C. 1, Section 8, Regulation IX. 1819. G. G. in C. may invest Registers *with additional powers*, in the trial and decision of Civil suits.

C. 2. The S. D. A. to report to Government, and furnish a statement whenever, from the accumulation of Civil suits, in any Zillah or City Courts, they may deem it expedient to invest the Register with special powers, described in Clauses 4 and 6, following.

C. 3. On receipt of such statement and report, the G. G. in C. may vest the Regulation with special powers, hereafter stated, and intimation to be given to the S. D. A., the Provincial Court, and Judge.

Register

# REGULATION XXIV.



ADDITIONAL POWERS ESPECIALLY VESTED IN REGISTERS.

C. 4. Modified. C. 2, Section 11, Regulation II. 1821.

Register may be specially empowered to try and decide appeals from decisions of Munsiffs and Sudder Aumeens *referred to him by the* Judge, and his decision final, unless there appear sufficient reason for admitting a special appeal, under Section 2, Regulation XXVI. 1814.

C. 5. Rescinded by Section 13, Regulation II. 1821.

On suits so referred, and decided on their merits, the Register to receive *the full amount of the institution fee, or stampt duty,* subject to the Provisions in C. 3, 4, and 5, of preceding Section.

C. 6. Modified. C. 2, Section 11, Regulation II. 1821.

Registers may be further empowered to try and decide original suits, exceeding Rs. 500, in amount or value, *which the Judge may refer.*

C. 7. Rescinded by Section 13, Regulation II. 1821.

On all such suits, decided on their merits, the Register *entitled to a fee of* 16 *Rupees,* but not to any fee on nonsuits.

FEE OF REGISTERS.

C. 8.

Nor to receive any fee on such suits adjusted by Razeenamah, before the pleadings are completed—fee to be returned to the party.

C. 9. Ditto Ditto.

If adjusted after completion, and reading of the pleadings, a moiety of the fee to be returned to the party, *and* 8 *Rupees receivable by the Register.*

C. 10.

An appeal shall lie, to the Provincial Courts, from all decisions of Registers on suits referred, under C. 6, of this Section.

Process

## REGULATION XXIV.

| SECTIONS | |
|---|---|
| PROCESS OF PROVINCIAL COURTS. C. 11. | Process of the Provincial Courts, to the Register, in such and all other cases, to issue through the Zillah or City Judge—and all returns to be made through the same channel. |
| C. 12. | Special powers not to be exercised by any Registers or persons succeeding to that office, without the sanction of Government, and G. G. *in* C. may revoke such powers whenever he may deem proper. |
| 10th. | Judges may recall suits referred to Registers or Sudder Aumeens. |
| DEPOSITIONS OF WITNESSES. 11th. C. 1. Vide Section 11, Regulation XIX. 1817. | Judges may employ their Registers and Assistants in signing and issuing any process of the Court, as well as in *taking depositions of witnesses*, in which duty they may also employ their native officers—But to be taken in open Court, and in the presence of the parties, or their authorized Vakeels, by whom they are to be attested. |
| C. 2. | The Registers may, in like manner, cause depositions to be taken by their assistants, or by their native officers. |
| 12th. C. 1. | Rules requiring Registers to hold their Courts at the Court house, at the Sudder Station, modified. |

Additional

1814

Modifying Constitution and Jurisdiction of Zillah and City Civil Courts.

## REGULATION XXIV.

SECTIONS

PROCESS OF REGISTERS.

C. 2. Additional Registers may be appointed in any Zillah or City jurisdiction—how denominated.

C. 3. And may be stationed at any place, not being the Sudder station of the district.

C. 4. In such cases, process to be issued under the official seal and signature of the Register, and served by officers especially appointed for that purpose.

Vide Section 3, Regulation II. 1815.

Do. Do. C. 5. Judges and their officers to support such process and penalties, for disobedience of resistance.

C. 6. Judicial powers to be the same as the established Registers.

TRIAL OF SUMMARY SUITS BY REGISTERS.

C. 7. It shall also be competent to the G. G. in C. to invest any Register, not stationed at the Sudder station, with powers to receive and try *summary suits*, for arrears of rent or dispossession, *arising within defined local limits of the district.*

Extended Section 2, Regulation II. 1815.

Extended by Section 9, Regulation II. 1821, and Section 2, Regulation III. 1824.

C. 8. In receiving and trying such suits, the Register to proceed in the same manner as if they had been referred by the Judge, and his decision shall be appealable or not, according to the established rules for appeals, applicable to the case.

Vide Section 3, Regulation II. 1815.

C. 9. In referring suits to a Register not residing at the station, and having a local jurisdiction, Judge to select suits, arising within such limits, in preference to others.

Periodical

*Modifying Constitution and Jurisdiction of Zillah and City Courts.*

CORRESPONDENCE AND REPORTS.

SECTIONS

## REGULATION XXIV.

C. 10. Periodical reports to be furnished by Registers so stationed, to the Zillah or City Judge.

C. 11. Correspondence to be conducted through the channel of the Judge, unless requiring immediate dispatch, in such case, Register to forward a copy to the Judge.

C. 12. In all matters of form and practice, not provided for by Regulations, such Registers to be guided by instructions from the Sudder Dewanny Adawlut.

Vide Section 3, Regulation II. 1815.

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## REGULATION XXV.

1814 | Modifying Constitution and Jurisdiction of S. D. A. and Provincial Court of Appeal.

SECTIONS

## REGULATION XXV.

2d. Rescinded by Section 8, Regulation IV. 1823.

TRANSFER OF ORIGINAL SUITS INTO PROVINCIAL COURTS.

3d. C. 1. Modified. C. 1. Section 2, Regulation XIX. 1817.

All suits, *not exceeding* 5000 *Rupees*, to be instituted *in Zillah or City Courts*, but S. D. A. competent to direct the transfer of any original suits pending in a Zillah or City Court, exceeding 1000 Rupees, to be tried by a Provincial Court, when from the estate of the business in the respective Courts, or other circumstances, they may deem expedient.

C. 2. In trial of such suits, Provincial Courts to be guided by the rules in force for the trial of suits exceeding Rupees 5000.

APPEALS TO PROVINCIAL COURTS.

C. 3. An appeal to lie to Provincial Courts in all suits tried, in the first instance, by the Zillah and City Judges, and in suits tried by the Registers, exceeding Rupees 500 in amount.

C. 4. Provincial Courts may also admit special appeals from decisions of Judges, in any regular appeals to them, from original judgments of Registers, Sudder Aumeens and Munsiffs, to be admitted and tried as provided by Section 2, Regulation XXVI. 1814.

REVIEW OF JUDGMENT.

C. 5. Provincial Courts may apply for permission to review their own judgments, and not prohibited from admitting summary appeals in cases provided for by C. 3, Section 3, Regulation XXVI. 1814.

Rescinded

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# REGULATION XXV.

*Modifying Constitution and Jurisdiction of S. D. A. and Provincial Courts.*

4th. Rescinded by Section 8, Regulation IV. 1823.

SUITS INSTITUTED IN PROVINCIAL COURTS.

5th. C. 1. (Modified. C. 1, Section 2, Regulation XIX. 1817.) All suits *exceeding* 5000 *Rupees* in amount or value, to be *instituted and tried in the Provincial Courts*, but the Court of S. D. A. may direct the transfer for trial to their Court of any suits amounting to Rupees 50,000, being amount appealable to the King in Council.

APPEALS TO S. D. A.

C. 2. An appeal to lie to the S. D. A. from the judgments passed by the Provincial Courts in all regular suits tried and decided, in the first instance, by those Courts, in conformity with Section 3, of this Regulation.

C. 3. (Abolished by Section 3, Regulation XXIV. 1814.) S. D. A. may admit a second or special appeal from judgments of Provincial Courts, in regular appeals admitted by them from decisions of Zillah and City Judges, *Assistant Judges*, or Registers, vested with special powers.

C. 4. In receiving and trying such appeals, the Sudder Dewanny Adawlut to be guided by the Provisions of Section 2, Regulation XXVI. 1814.

REVISION OF JUDGMENTS.

C. 5. Sudder Dewanny Adawlut may authorize the several Courts of Civil Judicature to revise their own judgments, and may admit summary

summary appeals under provisions contained in Section 3, Regulation XXVI. 1814.

SEPARATE SITTINGS.

6th. In addition to the provisions for sittings of single Judges of Provincial Courts, in cases of absence or indisposition, contained in Section 2, Regulation XIII. 1810, Provincial Court competent to hold separate sittings for the dispatch of business when it may appear necessary, and may pass orders or judgments, subject to the same restrictions when sittings may be held by a single Judge, as are prescribed under Section 2, Regulation XIII. 1810.

EXTENTION OF POWERS OF SINGLE JUDGES OF PROVINCIAL COURTS.

7th. Rules contained in Sections 3 and 4, Regulation XIII. 1810, respecting powers and duties of single Judges of Provincial Courts applicable to decisions passed, and powers and duties exercised by single Judges under this Regulation.

8th. In modification of C. 3, Section 2, Regulation XIII. 1810, a single Judge of a Provincial Court holding a sitting, who may be of opinion, that a decision ought to be reversed or altered, may record his sentiments to that effect, and a second Judge, sitting subsequently, concurring therein, may pass decision, and his signature to the decree sufficient, but the opinion of the first Judge to be recited therein.

CASTING VOICE OF SENIOR JUDGE.

9th. C. 1. Parts of Regulations in force, which give a casting voice to the Senior Judge of Provincial Court of Appeal, in cases of difference of opinion on a decision appealed, rescinded.

Whenever

Modifying Constitution and Jurisdiction of S. D. A. and P. Courts.

RULE IN CASES OF DIFFERENCE OF OPINION BETWEEN JUDGES OF P. COURTS.

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C. 2. — Abolished by Section 3, Regulation XXIV. 1814.

Whenever two Judges of a Provincial Court may try an appeal from a decision, or order of a Judge, *Assistant Judge*, or Register, and a difference of opinion may arise, the decision to be suspended until the opinion of a third Judge can be had, and decision to be passed according to the majority of voices.

C. 3. The preceding rule to be observed in all cases of difference of opinion, which may arise between Judges of Provincial Courts, on trial of original suits.

C. 4. The same principle to be observed in all business of a miscellaneous nature before two Judges of a Provincial Court, where a difference of opinion may arise, but in cases not involving any matter of judicial cognizance, the papers may be transmitted to any third Judge within the division, (but absent from the station,) and his opinion to be recorded in writing.

C. 5. If a difference of opinion occur in questions before four Judges of a Provincial Court, the Senior Judge, concurring with any other, shall have a casting voice.

10th. C. 1. In addition to the powers vested in single Judges of Provincial Courts, by Section 4, Regulation I. 1807, and Section 4, Regulation XIII. 1810, a single Judge may authorize the appointment and removal

## REGULATION XXV.



ADDITIONAL POWERS OF SINGLE JUDGE.

Extended to Criminal Courts, vide Clause 6, Section 12.

removal of native officers of Zillah and City Courts, whose appointment and removal may be vested in Provincial Courts, unless such single Judge differ in opinion from the Zillah or City Judge, in which case the question to be brought before two or more Judges of the Court.

C. 2.

Ditto Ditto.

A single Judge may also suspend any Ministerial native officer of Provincial Court of Appeal, but not remove without concurrence of a second Judge, and any difference of opinion to be decided in conformity with Section 9, of this Regulation.

Sections 11 to 18, vide Foujdary Volume.

Relative to powers of single Judges of Courts of Circuit, and Court of Nizamut Adawlut, included in Foujdary Volume, vide Page 144 to 148.

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## REGULATION XXVI.

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## REGULATION XXVI.

*Modifying Rules respecting Special or Second Appeals.*

GROUNDS FOR SPECIAL APPEAL.

2d. C. 1. Rescinded by Section 2, Regulation XXIV. 1814. Vide C. 1. Section 7, Regulation XIX. 1817, and C. 1, Section 2, Regulation IX. 1819.

Provisions contained in Section 24, *Regulation* XLIX. 1803, and Section 10, Regulation II. 1805, and Clauses 2 and 3, Section 9, Regulation VIII. 1805, modified, and hereafter no second or special appeal to be admitted by any of the Courts, *unless* upon the face of the decree or documents exhibited with it, the judgment shall appear to be inconsistent with some established judicial precedent, or with some Regulation in force, or with the Hindoo or Mohamedan law, in cases which are required to be decided by those laws, or with any other law or usage which may be applicable to the case, or unless the subject shall involve some points of general interest or importance not before decided by the Superior Courts.

C. 2. Any party dissatisfied, on any of the above grounds, with a judgment passed in a regular appeal, at liberty to petition within the time limited for regular appeals to the Court, which, under Regulations XXIV. and XXV. 1814, may be competent to admit such special appeals.

PETITION OF APPEAL.

C. 3. The petition to be on stamp paper of what value, and to state distinctly the specific ground, or grounds, on which, under C. 1, of this Section, application for special appeal is founded, to be presented either by the party in person, or by an authorized pleader of the Court; in the latter case, to be signed by the pleader, with an endorsement

*Modifying Rules respecting Special or Second Appeals.*

ment that he has considered and believes the grounds therein stated to be well founded and sufficient.

IF ADMITTED.

C. 4. If the Court shall see grounds to admit a special appeal, the party to be required to furnish the prescribed security, and deposit the amount of his pleader's fees, within a reasonable given time, and when security and deposit shall have been so furnished, the Court to admit special appeal, and proceed as in regular appeal.

IF REJECTED.

C. 5. If the Court shall reject the petition of appeal, the party not entitled to receive back the amount of stamp duty, but the Court may exercise a discretion in certain cases, and grant a proportion, not exceeding three-fourths of the amount.

ORDERS FINAL.

C. 6. All orders passed by a competent Court, whether for the admission or rejection of any special appeal, as well as in the decision of any such appeals admitted, to be final, and not liable to further revision by any superior Court.

FEES OF PLEADER.

C. 7. When petitions for a special appeal may be rejected, pleaders entitled to such remuneration as the Court may adjudge, but in no case to exceed one-fourth the amount of the fee, which the pleader would have been entitled to if the appeal had been admitted and determined by the Court.

3d. C. 1. Sections 8 and 9, Regulation II. 1801, and C. 12 and 13, Sec. 12, Regulation IV. 1803, (Ceded Provinces,) and *Section 26, Regulation XLIX.*

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## REGULATION XXVI.

*Modifying the Rules respecting Admission of Summary Appeals.*

Already rescinded by Section 2, Regulation XXIV. 1814. *XLIX.* 1803, and Section 11, Regulation II. 1805, rescinded, and the following provisions enacted.

GROUNDS AND LIMITATION OF TIME FOR SUMMARY APPEALS.

C. 2. Sudder Dewanny Adawlut may receive a summary appeal from the orders and decrees of the Provincial Courts, in all cases in which the latter may have refused to admit an original suit or appeal, regularly cognizable by them, or may have dismissed it on ground of informality or default, without investigation of the merits of the case.

C. 3. Similar power vested in Provincial Courts with reference to any order or decision of a Zillah or City Judge.

C. 4. On the same principle, the Zillah and City Judges may admit summary appeals from the orders or decisions of Registers or Sudder Aumeens, in suits referred to or dismissed by them, on grounds of informality or default, without investigation of the merits.

C. 5. In preceeding cases, the summary appeal to be preferred within the time limited for the admission of regular appeals.

PETITION.

C. 6. Parties desirous of preferring a summary appeal to present a petition, on prescribed stampt paper, in person or Vakeel, to the Court empowered

empowered to admit the appeal, accompanied by an attested copy of the order or decree passed in the case.

PETITION.

C. 7. The party preferring such Petition not liable to the payment of institution fee, or stamp duty, substituted by Sec. 13, Reg. I. 1814, nor the deposit for the fee of his Vakeel, or any security except such as may be eventually necessary, under this Regulation, for staying execution of the decree appealed from.

NOTICE TO RESPONDENT.

C. 8. On summary appeals being preferred, it shall not be necessary (unless the Court see proper) to give notice to, or require attendance of respondent, nor any pleading or proceeding to be holden on such appeals, except such as may suffice to determine whether the suit was or was not rejected or dismissed by the lower Court, on sufficient grounds, and in conformity with the Regulation.

ORDERS OF COURT.

C. 9. If it shall appear that the suit was rejected or dismissed upon insufficient grounds, without investigation of its merits, the Court appealed to may direct the lower Court, or officer, to receive the original suit or appeal, or revive it, if it shall have been received and dismised, and try and determine it on its merits.

C. 10. If the summary appeal shall be found groundless and litigious, the Court rejecting the same, to impose a fine on appellant, not exceeding

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# REGULATION XXVI.

Penalty for groundless appeals.

Principle extended to Petitions for review, vide C. 3, Section 2, Regulation II. 1825.

exceeding amount of stamp duty that would have been payable on the institution of such case, as a regular suit or appeal, and all orders so passed by a competent Court, to be final and conclusive.

C. 11.

Vide C. 2, Section 9, Regulation XIX. 1817.

Courts may *award to pleaders*, employed in such cases, compensation not exceeding one-fourth of fee, which would have been payable in a regular suit or appeal.

*Review of Judgments.*

4th. C. 1.

Sections 2 and 3, Regulation II. 1798, Section 22, Regulation II. 1803, (extended to the Conquered Provinces and Bundlecund, by C. 3, Section 9, Regulation VIII. 1805,) Clause 2, Section 30, Regulation IV. 1803, Section 37, Regulation V. 1803, and Regulation III. 1813, rescinded.

Petition for Review.

C. 2.

Vide Section 3, Regulation II. 1825.

Persons deeming themselves aggrieved by any decree passed in a regular suit or appeal, from which no further appeal may have been admitted by any Superior Court, and who, from discovery of new matter or evidence, not within their knowledge, or procurable at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a *review of the judgment* passed against them, may present a petition to the Court by which the decree was passed, to be on stampt paper of *the prescribed value*, and

# REGULATION XXVI.

Review of Judgments.

PROCEEDINGS OF COURT ON PETITION.

Amended by C. I. Section 2, Regulation II. 1825.

and to be presented within three months from the delivery or tender of the decree, calculated according to the Provisions of C. 11, Section 8, of this Regulation. But if sufficient cause for delay be shewn, the Court may admit applications for a review, after the expiration of that period, but to record their reasons on proceedings. If the Court shall be of opinion, that there are not sufficient grounds for revision to reject the petition, and such order final, but if they consider such review necessary to the ends of justice, to report the same to the Sudder Dewanny Adawlut, transmitting a statement of the grounds of such opinion, with a copy of the petition, and of the decree.

ORDERS OF SUDDER DEWANNY ADAWLUT ON REFERENCE.

C. 3. The Court of S. D. A. in all cases referred to them, under the preceding Clause, as well as in all cases in which a petition may be presented to them for a revision of their own judgments, not appealed to the King in Council, (or the proceedings of which may not have been transmitted) are authorized to grant the review desired, if they see sufficient reason, the S. D. A. to record on their proceedings, the grounds on which a review may be granted, and issue any instructions regarding the admission or rejection of new evidence in the case, which they may deem just and proper.

C. 4. The rejection by any Court of an application for review not to preclude

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## REGULATION XXVI.

*Amendment of Rules respecting Pleadings.*

preclude the party from instituting a regular appeal in conformity with the Provisions of the general Regulations.

5th. C. 1. Following Provisions enacted to prevent superfluous pleadings and evasion of stamp duty.

C. 2. Pleadings and other documents on stamped paper, how to be written.

C. 3. Rule to be adopted when the whole of the subject matter of a plaint, petition of appeal, or other pleading, cannot be contained in a single sheet of stamped paper.

C. 4. Fine to be imposed on the party or his Vakeel, for a breach of the preceding rules, (limitation of amount.)

C. 5. Similar rule to be observed with respect to miscellaneous petitions or applications.

6th. C. 1. The rules contained in Sections 5 and 6, Regulation IV. 1793, and Sections 5 and 6, Regulation III. 1803, subject to the following modifications.

C. 2. Registers not required to file a rejoinder, when defendant may refuse or neglect to do so, but the Court to record such neglect or refusal, and proceed in the trial of the suit.

No

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# REGULATION XXVI.

C. 3. No supplemental pleadings to be admitted in any suit unless the Court, on perusal of the pleadings, and on consideration of circumstances alleged, shall deem their admission just and proper.

7th. C. 1. In certain cases in which the plaint may be written on stampt paper under value, but without any fraudulent intent, Court may authorize the plaintiff or appellant, to file a duplicate of plaint on stampt paper, of value sufficient to complete the full amount of stamp duty payable on amount of action.

*Pleadings.*

STAMP DUTY.

C. 2. In addition to the provision of Section 4, Regulation XIII. 1808. the Provincial Court may, in certain cases, direct the Judge in any summary appeal preferred under the above Section, to refund the amount of the fee or stamp duty paid on instituting a suit in a Zillah Court, which may appear not to have been within the cognizance of that Court.

8th. C. 1. Parts of Section 12, Regulation II. 1805, subject to the following modifications.

PETITION OF APPEAL.

C. 2. Petitions of Appeal may be presented without an authenticated copy of decree to the Judge of the Zillah or City, in which the decision may have been passed. The petition need not state the grounds of appeal, but merely, that the party being dissatisfied, desires to appeal;

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appeal; but must be on prescribed stampt paper, and must be accompanied with the prescribed security for eventual costs in appeal.

*Petition of Appeals.*

C. 3. After referring to the decree, or original record of the suit, the Judge may admit the appeal, provided the appeal be preferred and security furnished within the time limited by the Regulations.

PLEADERS' FEES.

C. 4. The deposit for pleaders' fees prescribed by Section 23, Regulation XXVII. 1814, not to be paid with petition of appeal, but is to be paid into the Court by which the appeal is to be tried.

C. 5. *Appellants* at liberty to detail their reasons for appeal, and grounds of dissatisfaction with the judgment, either in petition of appeal, or in a separate pleading subsequently filed in Court. In the latter case, to be on the prescribed stampt paper.

COPY OF DECREE WITH PETITION OF APPEAL.

C. 6. Parties desirous of appealing in regular appeals to the S. D. A. from decisions of Provincial Courts, or to the King in Council, from judgments of Sudder Dewanny Adawlut, at liberty to present their petition of appeal, without a copy of decree, to the Court by which the judgment may have been passed.

C. 7. Under the preceding rules, parties in suits decided, in the first instance, in a Zillah or City Court, Provincial Court, or Sudder Dewanny Adawlut, at liberty to appeal from such decisions, without the

*Provisions respecting Copies of Decrees.*

COPY OF DECREE.

the necessity of filing an authenticated copy of the decree, but if any person shall present his petition of appeal to the Court by which the appeal is to be tried, in preference to the Court by which the decision may have been passed, in the first instance, in such case, the petition of appeal to be accompanied with an authenticated copy of decree.

C. 8. Parties requiring a copy of decree to furnish the prescribed stampt paper.

STAMPT PAPER.

C. 9. When stampt paper furnished, an endorsement of the date and other particulars to be made by the Serishtadar, or appointed officer of the Court, and the copy of the decree how prepared, authenticated, and tendered to the party.

PERIOD OF APPEAL.

C. 10. The periods limited for preferring appeals to be calculated from the date on which the decision may have been passed, excluding the period from the date of furnishing the stampt paper, to the date of supplying the copy of decree as endorsed thereon.

C. 11. The principles of the three preceding Clauses, applicable to all copies of decrees from which a party may be desirous of preferring a special appeal, or summary appeal, and to all copies of orders passed by any of the Courts of Civil Judicature, which those Courts are required to furnish to the parties.

Such

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# REGULATION XXVI.

*Pleadings in Original Suits. Pleadings in Appeal.*

9th. C. 1. Such parts of Regulations as require that pleadings, in appeals, be conducted as in regular suits, subject to the following modifications.

C. 2. The respondent in regular suits appealed, may file an answer or not, at his option, but the Court, trying the appeal, may, if it deem necessary, require the respondent to file an answer.

C. 3. No further pleadings to be admitted in any appealed suits, except the duplicate of the plaint, provided for by C. 1, Section 7, of this Regulation, or such supplemental pleadings as the Court may authorize under C. 3, Section 6, of this Regulation.

10th. C. 1. In trial of original suits and appeals, pleadings to be completed and read before any exhibits filed or witnesses summoned, unless there be any special reason for deviation.

C. 2. Courts to require any necessary explanation of the case from the parties or their pleaders, and record the result.

C. 3. The Courts to record the point necessary to be established by the parties.

C. 4. And any additional points, which may subsequently appear necessary to

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# REGULATION XXVI.

*Trial of Original Suits and Appeals.*

Evidence of Witnesses.

to be recorded, and no evidence to be admitted, except with regard to the points so recorded.

11th. Modified. Section 11, Regulation XIX. 1817.

Evidence of witnesses which may be required in certain cases, by Provincial Courts and S. D. A., to be taken by the Zillah and City Judges on *written interrogatories.*

12th. C. 1.

Eight days previous notice to be given to the parties of the day on which a suit is to be brought to a hearing.

C. 2.

Notification of the day duly affixed in the Court House, a sufficient notice.

C. 3.

Courts authorized to fine parties who may be unprepared to file exhibits, or name their witnesses, on the day appointed—limitation of amount of fine; further penalty on a repetition of neglect; or Court may proceed as in cases of default.

Security for staying or enforcing Decrees.

13th. C. 1.

The following further Provisions enacted, respecting security to be required from parties, for the execution of decrees, and for staying execution of judgments during an appeal.

C. 2.

Securities for the purposes above stated, prohibited from transferring their rights in any real property, on which their security may have been accepted, until the obligation of their security shall have been fulfilled.

The

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*Securities.*

C. 3. The above prohibition not to affect the legality of any transfer or mortgage, if the amount of the demand on the surety shall be otherwise duly discharged; but no private transfer of such property, made between the execution of the security-bond and complete enforcement of judgment, to bar the prior right of the Court in the whole of the property.

*Peons employed in Service of Process.*

14th. C. 1. Modification of the rules in force regarding the payment of Tullubana.

C. 2. A Register of Peons employed in serving the civil and criminal process of Zillah and City Courts, (not receiving a monthly salary from Government,) to be prepared.

C. 3. Nazirs not to employ any Peons but those who may be duly registered, or who may be officers on the public establishments.

C. 4. Distinguishing badges to be furnished to the registered Peons, and a table of rates to be prepared, applicable to the several local divisions, according to which Tullubana is to be paid.

C. 5. The table of rates to be suspended in the Cutcherries of the Judge, and Magistrate, and the Collector, and no higher rates to be taken or demanded without a special order of the Judge or Magistrate, or other officers competent to pass the same.

The

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*Enforcement of Decrees. Service of Process.*

C. 6. The amount of Tullubana demandable, and a specific receipt for it, to be endorsed on the process, previously to execution.

C. 7. Provisions where two or more processes may be served by one Peon.

C. 8. What proportion of Tullubana the Nazir and Peon respectively to receive, when the process shall have been served.

C. 9. Every precaution to be adopted, to prevent undue exaction on account of Tullubana.

15th. C. 1. Such parts of Regulations as require that decrees passed, shall be enforced by the Courts, without any application for that purpose from the parties, subject to the following modifications.

C. 2. Decisions passed by Munsiffs, shall be executed as directed by Section 45, Regulation XXIII. 1814.

C. 3. Decrees passed by the Zillah or City Court, or the Provincial Court, or the S. D. A., previously to the promulgation of this Regulation, to be executed under the rules heretofore in force.

Courts

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## REGULATION XXVI.

*Execution of Decrees.*

C. 4. Courts of Civil Judicature not required to execute any decrees, after the 1st February, 1815, except in conformity with the following Provisions.

C. 5. Parties desirous of having a decree enforced, to petition the Court by which it may have been passed, on stampt paper, but if passed by a Sudder Aumeen, to petition the Judge.

C. 6. What the petition is to contain.

C. 7. The Court, after causing the purport of the petition to be compared with the original record, *to cause execution*, according to the rules in force.

Vide Section 7, Regulation II. 1821.

C. 8. Provided, that if the suit shall have been tried exparte, or an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or the enforcement of the decree shall be solicited against individuals, being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree; or if there shall appear reason to believe, that the matter in dispute has been adjusted by the parties, subsequently to the decree, either by the voluntary surrender of the thing adjudged, or by payment in whole or in part by Kistbundee, or otherwise, of the sum decreed. It shall be

*competent*

## REGULATION XXVI.



Vide Section 7, Regulation VII. 1825.

*competent to the Court,* instead of proceeding to an immediate execution of the decree, to issue a notice to the party, against whom execution may be sued out, requiring him to shew cause, within a limited period, to be fixed by the Court, why the decree should not be executed against him, and if the party shall fail to attend in person, or by Vakeel, within the time limited, or shall not show sufficient cause, why the decree should not be forthwith executed, the Court to cause judgment to be satisfied according to the rules in force. If the party shall attend in person, or by Vakeel, and shall offer any objection to the enforcement of the decree, the Court shall, on due consideration of the circumstances of the case, issue such orders as may appear just and proper.

C. 9. Courts, without any application, to issue process of execution for the recovery of fees or costs due to Government, or pleaders' fees, as well as in suits in which a party may have been allowed to plead in formâ pauperis.

16th. to 26th. Relative to stamps, and explanatory of Regulation I. 1814, (vide miscellaneous volume).

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## REGULATION XXVII.

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## REGULATION XXVII.

*Pleaders of the Courts.*

2d. Rescinding Regulation VII. 1793, such parts of Section 4, Regulation XVI. 1793, and of Section 2, Regulation XV. 1795, and Section 4, Regulation XXI. 1803, as prohibit Vakeels from being employed as arbitrators. Regulation XIII. 1795, Regulation VIII. 1796, Sections 4 and 5, Regulation VIII. 1797, Sections 9 to 15, Regulation V. 1798, and such parts of Sections 3 and 4, Regulation III. 1802, as relate to the fees of Vakeels, and Regulation X. 1803, and C. 3, Section 6, Regulation XIII. 1808.

Appointment.

3d. C. 1. S. D. A. and Provincial Courts empowered to appoint the Vakeels of their respective Courts.

Selection.

C. 2. Vakeels of the Zillah and City Courts to be nominated by the Judges of those Courts, for the sanction of the Provincial Courts.

C. 3. Pleaders to be either of the Hindoo or Mohamedan religion, and preference to be given to persons educated in the Colleges maintained by Government.

Sunnud.

4th. C. 1. Pleaders to receive a Sunnud from the Courts to which they may be appointed; the Sunnud to be according to Form, (No. 1, Appendix.)

C. 2. To be cancelled on the death, removal, or resignation, of a pleader.

Oath.

5th. C. 1. Pleaders to take an oath or solemn declaration according to Form (No. 2, Appendix.)

C. 2. But not the half-yearly retrospective oath, before prescribed for Mohamedan pleaders.

Pleaders

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# REGULATION XXVII.

*Pleaders of the Courts.*

6th. Pleaders guilty of encouraging or promoting litigious suits; of wilfully delaying the suits of their Courts for their own advantage, or refusing or omitting, without sufficient cause, to be shewn to the Court, to carry on the suits of their clients after having accepted a Vakulutnamah; of demanding or accepting from their clients any fee or valuable consideration beyond the amount they are authorized to receive, or of fraudulent practices, neglect, or misconduct, &c. liable to dismissal from their office.

7th. Agreements to receive less than their authorized fees illegal, and Vakeels being parties, liable to dismissal.

8th. Pleaders accepting Vakulutnamahs in fictitious names, also liable to be dismissed on report of a Judge to the Provincial Court.

9th. C. 1. Vakeels to examine and sign the pleadings before they are filed, and to ascertain that they contain only such matter as is material and relevant to the suit.

C. 2. Also to examine exhibits previously to their being filed on the part of their clients, and not to summon witnesses without previously ascertaining to what points their testimony is required.

Pleaders

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## REGULATION XXVII.

*Pleaders of the Courts.*

C. 3. Pleaders liable to censure and fine for neglect of preceding rules.

10th. C. 1. S. D. A. and Provincial Courts authorized to dismiss any pleaders of their respective Courts, who may be guilty of any of the acts above specified.

C. 2. Misconduct or disqualification of pleaders attached to the Zillah or City Courts, to be reported by the Judges of those Courts to the Provincial Court, who will pass such order as may be proper.

11th. Pleaders attached to the Zillah and City Courts may be suspended from office, without previous sanction of Provincial Courts, but an immediate report to be made to Provincial Court.

12th. C. 1. Pleaders liable to be prosecuted in the Civil Courts for any injury sustained by their clients, for any breach of the Regulations, or fraudulent conduct.

C. 2. Parties may withdraw the conduct of a pending suit from their pleaders, and may appoint new pleaders. The Court may award to a pleader so removed any portion of the fee which may be proper.

Pleaders

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*Pleaders of the Courts.*

13th. Pleaders unable to attend the Court, from indisposition or other cause, to notify the same in writing. If the management of the cause shall be entrusted, in his absence, to any other pleader of the Court, instead of filing a new Vakulutnamah, an endorsement by the party, on the back of the former, sufficient. On decision of such suits, the Court to direct the amount of the authorized fee to be divided between the two pleaders, in such proportion as may appear equitable.

14th. C. 1. Pleaders absenting themselves from Court, without notifying the cause of their absence, liable to fine for first and second offences, and to dismissal for the third offence.

C. 2. Liable to fine, not exceeding 100 Rupees, for disrespect of Court in open Court.

15th. C. 1. Fines imposed on pleaders by the Sudder Aumeens, to be reported to the Zillah or City Judge, for his confirmation and enforcement, or otherwise.

C. 2. The orders of a Zillah or City Judge or Register, imposing fines on pleaders, to be conclusive: exception in case of a Zillah or City Judge deeming a fine, imposed by a Register, disproportionate or unjust.

16th. Vakeels not allowed to plead in other Courts than in those to which

*Pleaders of the Courts.*

which they may be attached, but this rule not to preclude the Courts from making any allotment of the Vakeels of their respective Courts, which may be most convenient for dispatch of business.

NOT TO OFFICIATE AS AGENT IN CRIMINAL COURTS.

17th. Vakeels prohibited from officiating as agents, or Mokhtars, in any criminal prosecution, without the sanction of the Judge; but this rule not to preclude the Government pleaders from conducting public prosecutions.

PUBLICATION IN CASE OF DEATH, REMOVAL, OR RESIGNATION.

18th. C. 1. Publication to be issued on the death, resignation, or removal of a pleader of a Zillah or City Court, requiring the parties, in all suits in which he may have been employed, to appoint a new pleader within six weeks; but a separate Vakulutnamah not required.

C. 2. Such publication to be considered a sufficient notice, and if sufficient cause be not shewn for neglect to comply therewith, the Court may proceed as in cases of default.

C. 3. Similar notification to be issued on the death, resignation, or removal of a pleader in the Provincial Courts, or in the Sudder Dewanny Adawlut. Period allowed for substituing another Vakeel, not to be less than two months in Provincial Courts, or three months in Sudder Dewanny Adawlut.

Principles

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## REGULATION XXVII.

*Pleaders of the Courts.*

C. 4. Principles of the preceding rules applicable to cases of the protracted indisposition of a pleader.

C. 5. Courts empowered to adjudge a reasonable portion of the fee to any pleader (or if he be dead, to his heirs or representatives) who may have commenced the pleadings, but have been removed from any cause not originating in any fault or misconduct.

ARBITRATIONS.

19th. Pleaders may be employed as arbitrators in depending suits, under authority of the Court, and subject to the provisions of the Regulations in force for referring suits to arbitration.

LEGAL OPINIONS.

20th. C. 1. Pleaders may also receive fees for legal opinions under the provisions following.

C. 2. A written statement of the case to be submitted to the pleader by the party desiring his opinion.

C. 3. The pleader to give a written declaration of his opinion.

FEES RECEIVABLE FOR OPINIONS.

C. 4. Rates of fees to be allowed to pleaders of the respective Courts for such opinions, as follow:—

| | | |
|---|---|---|
| To Vakeels of Sudder Dewanny Adawlut, ... ... | Rupees, | 24 |
| Ditto of Provincial Courts, ... ... .. ... | Rupees, | 16 |
| Ditto of Zillah and City Courts, ... ... ... | Rupees, | 8 |

C. 5. But pleaders who may have accepted a Vakalutnamah on the case, not to receive such fees.

Pleaders

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## REGULATION XXVII.

*Pleaders of Courts.*

DEPOSITS OF FEES OF PLEADERS. VAKALUTNAMAH. RETAINING FEE.

C. 6. Pleaders punishable by dismissal for wilfully furnishing a dishonest opinion.

21st. C. 1. Retaining fee to pleaders abolished—a Vakalutnamah merely to be executed, under rules prescribed, to be attested with the seal or signature of the party, or attested by witnesses.

C. 2. Vakalutnamahs to be written on stamp-paper, but not liable to the exhibit fee.

22d. Pleaders having accepted a Vakalutnamah prohibited from being employed on the same cause against the party who may have so retained them.

23d. C. 1. Security for payment of pleaders' fees discontinued, but amount of fees to be deposited in the Court, according to the rates prescribed in the following section in regular suits, and in Section 32, in summary suits. A similar deposit to be required from defendants or respondents for their pleaders' fees, and no pleaders to be allowed to act until such deposit be made, except in the case of paupers.

C. 2. A receipt to be granted for such deposits, and a book of all such payments to be kept by the Treasurer of the Court.

C. 3. Receipt and register book to be according to forms (No. 3 and 4, Appendix.)

The

# REGULATION XXVII.



EXCEPTION IN PAUPER SUITS.

24th. The preceding rules not applicable to Vakeels employed on the part of paupers, or presenting miscellaneous petitions or applications of the description specified in Section 34, of this Regulation ; but the amount of the fee which may be awarded by the Court, under Section 35, to be levied in the manner prescribed for executing decrees, whenever the interposition of the Court may be necessary for that purpose.

ESTABLISHED FEES IN REGULAR SUITS.

25th. C. 1. The following rates of fees payable to Vakeels in regular suits or appeals.

In suits for personal or real property, of value estimated according to the provisions of Section 14, Regulation I. 1814.

Not exceeding Rupees 5,000, 5 per Cent.

Exceeding 5,000, and not above 20,000, 5 per Cent. on 5000, and on the remainder 2 per Cent.

Exceeding 20,000 and not above 50,000; on 20,000, as above, and the remainder 1 per Cent.

Exceeding 50,000, and not above 80,000 ; on 50,000, as above, and on the remainder ½ per Cent.

Exceeding 80,000, the fee to be Rs. 1000, and not exceed that sum.

C. 2. Fractions of Rupees to be rejected in the preceding calculations.

C. 3. No deductions to be made from the fees of Vakeels, *but receipt to be given on* stampt-paper prescribed in Section 11, Regulation I. 1814.

Modified. C. 1 and 2, Section 10, Regulation XIX. 1817.

If

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# REGULATION XXVII.

*Pleaders of Courts.*

AMOUNT OF FEES AWARDABLE IN CERTAIN CASES, AND BY WHOM PAYABLE.

26th. C. 1. If the whole of the claim be adjudged to the plaintiff or appellant, the whole of the fees of his pleader to be adjudged to him on the decree, but if only part be awarded, a corresponding proportion of the pleader's fees only to be adjudged.

C. 2. If the suit or appeal be dismissed, the plaintiff or appellant to be charged with the fees of the pleaders of both parties.

C. 3. A discretion vested in the Courts to charge the fees of pleaders to both parties respectively, when it may appear equitable.

27th. All legal expenses and costs to be included in the decree, and to be charged to the parties in such mode as may appear equitable.

28th. Discretion vested in the Courts to return a portion of pleader's fee to the parties who may have deposited it in cases of suits decided against paupers who may be unable to pay the costs. And after making due compensation to the Vakeel, the Court to endeavour to realize, from any property of the pauper, the remainder of the fee due.

29th. Pleaders' fees to be paid on the decision of the suit, and payment not to be stayed in consequence of any appeal.

30th. Parties may employ two or more pleaders, who may divide amongst them, as agreed upon, the authorized fee, or may be each entitled to receive

EMPLOYMENT OF TWO OR MORE PLEADERS.

receive the full established fee if so specified in the Vakalutnamahs, but otherwise, only entitled to an equal division of the established fee.

C. 2. In such cases, one Vakalutnamah will suffice, but the whole amount of the fees to be deposited.

C. 3. When two or more pleaders may be employed, the adverse party shall in no case be subject to pay more than the prescribed fee for one pleader.

FEES.

31st. C. 1. When a suit may be withdrawn or dismissed, without an investigation of the merits of the case before all the requisite pleadings have been filed, the pleaders entitled to only one-fourth of the established fee. If after the pleadings have been completed, to receive half of the fee. The fees, in both cases, to be charged to the plaintiff or appellant withdrawing the suit, or defaulting, together with all admitted costs incurred by defendant or respondent.

C. 2. The same rule applicable to suits adjusted by Razeenamah, except that the fees of pleaders and costs, in all cases, shall be paid as agreed on by the parties, and inserted in the Razeenamah.

32d. and 33d. Rescinded by C. 1, Section 9, Regulation XIX. 1817.

34th. Pleaders to receive a fee of four annas for presenting miscellaneous petitions

*Pleaders of Courts.*

RULES RESPECTING GOVERNMENT PLEADERS.

petitions and applications, but not entitled to any fee for presenting petitions or applications relative to suits in which they may be engaged as a pleader.

35th. Mode in which such fee is to be paid, and discretionary power vested in the Courts to augment the amount of the fee in certain cases.

36th. Pleaders to give written receipts for documents entrusted to them by their clients.

37th. C. 1. Rules for the appointment of Government pleaders in the several Courts of Civil Judicature to be furnished with Sunnuds according to form (No. 5, Appendix.)

C. 2. The death, resignation, or removal of a Government pleader, and *the nomination of a successor*, to be reported to the Secretary to Government in the Judicial Department.

Modified. Section 7, Regulation VIII. 1816.

C. 3. Specification of *duties to be performed* by pleaders of Government to conduct Government suits and prosecutions.

Vide Section 6, Regulation VIII. 1816.

C. 4. Prohibited from advising parties opposed to Government, or from being concerned in any suit against Government—may be employed in all other suits.

C. 5. To receive the same fees in suits of Government as in private suits, but no previous deposit required.

C. 6. To be guided by same rules as other pleaders.

Another

| 1814 | Sections | REGULATION XXVII. |
|---|---|---|
| | C. 7. | Another pleader may be associated with the Government pleader in carrying on suits at the public expense—such pleaders how paid |
| | 38th. | Individuals at liberty to plead their own suits. |
| *Pleaders of Courts.* | 39th. C. 1. | This Regulation not applicable to pleaders in Munsiff's Courts. |
| | C. 2. | In pauper suits to be construed with reference to the provisions of Sections 7, 10 and 15, of Regulation XXVIII. 1814. |
| | 40th | The Regulations to be exposed for public inspection, and pleaders of Courts required to make extracts from them. |
| | | APPENDIX NO. 1 TO 5 FORMS. |

REGULATION XXVIII.

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## REGULATION XXVIII.

*Suits instituted or defended by Paupers.*

2d. Regulations XLVI. 1793, and XXIII. 1795, such parts of Sections 8, 9, 10, 11 and 12, Regulation XXXVIII. 1795, of Sections 2, 3, 4, 5 and 6, Regulation III. 1802, as are applicable to paupers; Section 35, Regulation X. 1803, Regulation XIV. 1803, Regulation III. 1810, rescinded.

SUITS NOT ADMISSABLE.

3d. No pauper suits to be admitted in which the value of the thing claimed shall not exceed Rupees 64, and under this rule Munsiffs precluded from receiving and trying suits in formâ pauperis.

4th. No persons to be admitted to sue as paupers for damages on account of caste, or defamation, or any personal injury, or for recovery of any deeds, papers or pecuniary fines, or forfeitures.

PETITION.

5th. C. 1. Parties desirous of suing as paupers to present a petition in person, on stampt-paper prescribed by Section 18, Regulation I. 1814, (exception of females of rank.)

C. 2. What the petition is to specify.

EXAMINATIONS.

C. 3. Petitioner's examination to be taken on oath, or solemn declaration, on points herein specified, or if a female, her agent to be similarly examined.

C. 4. The Court to admonish the deponent, that any falsehood or wilful mis-statement, with regard to the property of the party, will subject the offender to the penalties for perjury; the petitioner or agent then to subscribe his examination.

If

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## REGULATION XXVIII.

*Suits instituted or defended by Paupers.*

INVESTIGATION TO BE MADE BY THE COURTS.

C. 5. If upon the examination above prescribed, it shall appear to the Courts that the petitioner is either possessed of property sufficient to defray the expences of the suit, or has recently disposed of, or transferred any property with a view of being admitted to sue as a pauper, the Court to reject the petition.

C. 6. If the Court shall see reason to distrust the truth of the statement of the petitioner, with respect to his property, a notice to be issued to the adverse party, signifying, that within a given period he may appear and shew cause why the plaintiff should not be admitted to sue as a pauper. The court may also summon witnesses, or institute a local enquiry in the neighbourhood of the plaintiff's residence, with a view of ascertaining the real state of his circumstances, and truth, or otherwise, of his statement.

PUNISHMENT FOR PERJURY.

C. 7. If from such enquiry, or at any subsequent period, it shall be satisfactorily established, that the party has been guilty of perjury, he shall be committed for trial by the Court of Circuit, besides being nonsuited, if the suit be pending.

6th. C. 1. A party admitted by the Court to sue as a pauper, to find two sureties for his appearance when required by the Court.

Pauper

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# REGULATION XXVIII.

*Suits instituted or defended by Paupers.*

C. 2. Rescinded by C. 1. Section 4, Regulation XIII. 1824. Pauper suits *not to be referred to Sudder Ameens.*

7th. C. 1. Court may require any of the Vakeels to undertake and plead the cause, and no deposit of fees to be required from plaintiff.

C. 2. Reasons for exercising this power to be recorded by the Court, and such order to be a sufficient warrant to the Vakeel to plead without a Vakalutnamah.

REMISSION OF STAMP DUTY.

8th. Stamp duties and other expences to be remitted to paupers. Pleadings on their part, and copy of decree, to be on unstamped paper, and processes to be served through the established Chapprassies of the Court, without any charge to plaintiff.

9th. All costs and expences to which plaintiff would have been liable, had he not been admitted to sue as a pauper, to be inserted in the decree, and charged to the party cast, or to the parties respectively, in such proportion as may be equitable.

PLEADERS' FEES.

10th. C. 1. If the pauper plaintiff shall gain his suit, pleader's fees to be paid by defendant, or such part as the Court may decree.

If claim be dismissed, the defendant to pay his own pleader such adequate

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## REGULATION XXVIII.

*Suits instituted or defended by Paupers.*

LITIGIOUS SUITS.

adequate compensation as the Court may direct, the remainder to be recovered from any property of plaintiff which may subsequently be found.

11th. C. 1. If the pauper plaintiff shall not establish his claim, and the Court shall deem the suit unfounded and vexatious, or exaggerated, and plaintiff shall not pay the fees and costs awarded against him, he may be imprisoned in the civil jail for six months.*

C. 2. Such order to be carried into immediate execution notwithstanding appeal, but such person entitled, at any time, to his discharge, on paying into Court the amount of fees due, and costs awarded against him.

C. 3. Sureties, failing to produce the person of plaintiff, liable to six months imprisonment, unless they make good the amount of the demand of Court against him.

C. 4. Court to endeavour to realize the amount due from any pauper plaintiffs, from any property forthcoming, notwithstanding his confinement.

APPEALS.

12th. C. 1. Persons desirous of *appealing* as paupers, to present a petition to the superior Court in which the appeal may be cognizable.

The Rules regarding appeals by Paupers, applicable to special appeals. Vide Section 5, Regulation II. 1825.

Petition

* Query—at whose charge subsisted ?

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# REGULATION XXVIII.

*Suits instituted or defended by Paupers.*

Copy of Decree.

C. 2. Petition to be accompanied with an authenticated copy of the decree, and to contain a schedule of the property of the petitioner, and a statement of specific grounds of appeal.

Admission or Rejection of Appeal.

C. 3. If on perusal of the petition and inspection of the decree, it shall not appear to the Court unjust or erroneous, or if the nature of the case shall not appear of importance to merit a further investigation, the Court to reject the petition and refuse to admit the appeal as a pauper.

C. 4. But the petitioner may of course institute a regular appeal.

13th. If, on perusal of the petition and decree, the Court shall deem proper, it may admit the appeal as a pauper, subject to the provisions of Sections 5 to 11, of this Regulation.

14th. Pauper plaintiffs who may have gained their suits to be allowed to respond as paupers, and the principles of Sections 7, 8, 9 and 10, applicable to them, provided the execution of decree shall have been suspended during appeal.

15th. In case of a decision in favor of a pauper plaintiff being reversed in appeal, the institution fee to be returned to appellant, with such portion

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Suits instituted or defended by Paupers.

PAUPER DEFENDANTS OR RESPONDENTS.

portion of the deposit fee for his pleader, as the Court may deem just, and the remainder, as well as all other costs due, to be recovered from any property of respondent.

16th. C. 1. If a defendant or respondent in any suit or appeal shall be desirous of being admitted to plead as a pauper, (except in case specified in Section 14th,) he shall attend in person, or by Vakeel, and present a petition, containing a schedule of his effects or property, and its estimated value.

C. 2. The Court, on receipt of such petition, to proceed in conformity with Clauses 3 to 7, Section 5, of this Regulation.

C. 3. The Court to exercise its discretion in granting to the petitioner the same advantages and facilities in defending the suit as to pauper plaintiffs or appellants, under Sections 7, 8, 9, and 10, of this Regulation, and no security, except for personal appearance, to be required from such defendants or respondents.

17th. The provisions of this Regulation, not applicable to summary suits or appeals.

18th. Copies of Proceedings and Judgments of S. D. A. in appeals to the King in Council, to be furnished without expense to paupers, who

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## REGULATION XXVIII.

who may be parties in such appeals, and to be written on unstamped paper.

*Suits of Paupers.*

MISCELLANEOUS PETITIONS.

19th.

Extended Section 2, Regulation IV. 1816.

Miscellaneous petitions and applications from persons professing themselves to be paupers, not receivable on unstamped paper, by any of the Boards, Collectors, or other public authorities—but the Courts of Criminal Judicature may *receive petitions* from persons in custody, under examination or sentence in *Criminal Jails*, on unstamped paper.

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REGULATION II.

| Year | Sections | |
|---|---|---|
| 1815 | | **REGULATION II.** |
| *Special powers of Registers.* | 2d. | Governor General in Council may grant a special power to a Register to take cognizance of summary suits under C. 7, Section 12, Regulation XXIV. 1814, originating in other districts than that in which he may hold the office of Register. |
| | 3d. | Provisions in Clauses 4, 5, 8 and 12, Section 12, Regulation XXIV. 1814, applicable to such suits. |
| | 4th. | Proceedings and periodical reports regarding such suits to be transmitted to the Judge within whose jurisdiction they may have originated. |
| | | **REGULATION IV.** |
| 1816 *Prisoners in Civil Jails.* | 2d. | Courts of Civil Judicature may, in certain cases, receive petitions on unstamped paper from persons in confinement, under a decree of Court or any judicial process, civil or criminal. |
| | 3d. | Judges of the Zillah and City Courts to visit the Civil Jails periodically, and to redress all well-founded complaints, and to cause the surgeon to attend to the sick. |
| | 4th. | Judges of Circuit to visit the Zillah and City Civil Jails at the Jail deliveries, and empowered to issue any instructions for the better treatment and accommodation of the prisoners, and for the redress of any grievance. |
| | | **REGULATION VIII.** |

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# REGULATION VIII.

*Establishment of Office of Superintendent and Remembrancer of Legal Affairs.*

ASSISTANCE IN THE CONDUCT OF GOVERNMENT SUITS.

2d. A Covenanted Servant to be appointed to the office of Superintendent and Remembrancer of Legal Affairs.

3d. The Superintendent to furnish such aid in the conduct of the cases in which Government may be concerned, in the Civil and Criminal Courts of Justice, as may be deemed advisable.

4th. And is to furnish an opinion on the merits of any case that may be referred to him, for the purpose, by the public authorities duly authorized by this Regulation.

5th. *Previously* to carrying into effect the provisions of C. 2 and 3, Section 3, Regulation II. 1814, the several Boards, or other public authorities, may avail themselves of the sentiments and services of the Superintendent and Remembrancer of Legal Affairs.

6th. The Provisions of C. 3, Section 37, Regulation XXVII. 1814, applicable to the Superintendent of Legal Affairs.

GOVERNMENT PLEADER.

7th. C. 1. C. 2, Section 37, Regulation XXVII. 1814, modified as follows.

C. 2. On a vacancy in the office of Government Pleader in the Courts of Justice, the Courts not to nominate a successor, but merely to report the circumstance to the Judicial Secretary to Government.

C. 3. Government will ascertain which of the Pleaders of the Court is best fitted to succeed to the office, and make such appointment as may be proper.

Suits

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## REGULATION VIII.

8th. Suits instituted under C. 4, Section 3, Regulation II. 1814, from what date to be entered on the file and brought to a hearing in the regular course.



## REGULATION XV.

*Suits of Native Officers and Soldiers.*

2d. The following modifications of existing Regulations enacted.

3d. C. 1. Native officers and soldiers may authorize any persons to institute and conduct suits, in which they may be a party. Form of Mokhtar-*namah* to be executed, (Appendix, No. 1.)

C. 2. Mokhtarnamahs need not be written on stamped paper.

C. 3. To be transmitted to the Register of the Court, by the Commanding Officer, with a letter according to Form (No. 2, Appendix.)

C. 4. Judges to communicate the inability or refusal of a Mokhtar to undertake the trust.

C. 5. The Mokhtarnamah, if accepted, to be filed with the proceedings of the Court, and may appoint one of the authorized pleaders of the

the Court, and the suit to be investigated, in other respects, under the General Regulations.

C. 6. No part of the Provisions of this Regulation to be applicable to claims originating in any commercial transaction, or in any loans granted by a native officer or Sepayhies.

4th. C. 1. Rules to be observed to prevent an exparte trial of a cause, in which a native officer or soldier is defendant.

C. 2. A notice in the usual form to be transmitted to the Commanding Officer, with a letter, (Form, No. 3, Appendix,) and any plaintiff or appellant liable to fine, for wilfully omitting to notice the military profession of defendant or respondent.

C. 3. Commanding Officer, on receipt of the notice, to cause it to be duly served; and measures to be adopted by the Judge, if the notice cannot be served.

5th. C. 1. Rules to be observed by Commanding Officers in granting leave of absence to native officers and soldiers, to enable them to superintend their own suits. A letter to accompany to the Judge, according to Form (No. 4, Appendix.)

C. 2. The Court authorized to nominate as Vakeels on behalf of the native

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# REGULATION XV.

*Suits of Native Officers and Soldiers.*

native officer or soldier, and provisions of Regulation XXVII. 1814, to be on such occasions duly observed respecting fees of pleaders.

6th. A native officer, or soldier may plead his own cause, or appoint his own pleader.

CASES TO BE HEARD AS SOON AS POSSIBLE.

7th. C. 1. Suits instituted under this Regulation to be heard as soon as possible.

FURLOUGH TO PREFER OR DEFEND A SUIT.

C. 2. Measures to be adopted by the Court in the event of the expiration of the furlough before the decision of the cause.

C. 3. If the officer or soldier return to his corps before the cause be decided, a copy of the decree, when passed, to be transmitted as prescibed in C. 5 Section 3.

8th. Rules to be observed when any land or real property belonging to a native officer or soldier is attached.

PROPRIETORS OF ESTATES.

9th. C. 1. Any registered proprietor of any estate paying Revenue to Government, entertained as an officer or soldier, may notify the same to the Collector—duty of Collector in such cases; and on an arrear becoming due, shall address the Commanding Officer of the corps according to Form (No. 5, Appendix.)

Duty

## REGULATION XV.

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*Suits of Native Officers and Soldiers.*

Arrears of Revenues.

C. 2. Duty of Commanding Officer on receiving from a Collector a report of such arrears.

C. 3. Collectors how to proceed in the event of arrears not being discharged within a specified time.

10th. C. 1. Nothing in this Regulation to affect the Provisions of Regulation XX. 1810, or authorize the Commanding Officer to correspond with Civil Courts, respecting the merits of any judgment passed by them.

C. 2. Description of persons to which the Provisions of this Regulation not applicable.

Remittance of Money.

11th. C. 1. Enacting for general information the following substance of General Orders of 10th April 1810, and 22d July 1814.

C. 2. Facilities to be afforded by certain public functionaries to native officers and soldiers, in the remittance of money.

C. 3. No deduction whatever to be made.

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REGULATION III.

1817 | Sections

# REGULATION III.

*Suits not exceeding Sixty-four Rupees in amount.*

2d. Provisions in C. 4, Section 25, and C. 3, Section 29, and C. 1, Section 38, Regulation XXIII. 1814, extended to all original suits or appeals not exceeding Rs. 64, instituted in the Zillah or City Courts, whether tried by the Judges, or referred to the Registers or Sudder Aumeens.

3d. Sections 15, 16 and 17, Regulation I. 1814, applicable to appeals, from decisions of Sudder Aumeens, which may be referred for trial to the Registers, in all suits exceeding the amount or value of Rupees 64.

4th. Rescinded by C. 1. Section 3, Regulation XIII. 1824.

In explanation of Section 2, and C. 2, Section 49, Regulation XXIII. 1814, plaintiffs and appellants, in suits adjusted by Razeenamah, before the Munsiffs *and Sudder Aumeens,* are not entitled to receive back any part of the institution fee, the whole of which is to be paid to *the Sudder Aumeen* or Munsiff, in conformity with C. 2, Section 49, Regulation XXIII. 1814.

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# REGULATION V.

1817 — Sections

# REGULATION V.

*Rights of Government and Individuals to Hidden Treasure.*

2d. Hidden Treasure under what circumstances and conditions to become the property of the finder.

3d. The finder how to proceed on the discovery of hidden treasure.

4th. Duty of Zillah and City Judges in such cases; notification to be made, and period to be allowed to claimants to bring forward their claims.

5th. Collectors of land revenue to bring forward claim or right which Government may appear to possess to such treasure—summary enquiry to be instituted by the Judges of the Zillah and City Courts—how judgment to be awarded by the Judge.

6th. What judgment to be passed by the Judge in cases in which no claim, either by Government or by individuals, shall be adduced, and the amount may not exceed One Lac of Rupees.

7th. Decision to be passed by the Judge in cases in which the amount of treasure shall exceed One Lac of Rupees.

8th. Persons discovering hidden treasure, who shall neglect to give due

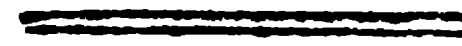
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*Hidden Treasure.*

due notice, within one month, to forfeit all right and title to the treasure or compensation.

9th. The summary decision of Judges of Zillah and City Courts to be open to a summary appeal to the Provincial Courts.

10th. The decision of two or more Judges of Provincial Courts, in such appeals, to be final, provided, in certain cases, a further summary appeal may be admitted by the Sudder Dewanny Adawlut.



## REGULATION VIII.

1817 | SECTIONS

## REGULATION VIII.

*Modification of Rules respecting Commissions for enquiry into Charges against European Public Officers.*

2d. Governor General in Council will determine whether the control over Commissioners appointed, under Regulation XVII. 1813, shall be exercised by Government direct, or in the manner provided for by Sections 7, 13 and 14, of that Regulation.

3d. When the Commission shall be instructed to act under the authority of Government, to submit proceedings, and report direct to the Governor General in Council, who may call for further information or evidence.

4th. Commissioners so appointed to apply to Government for any instructions they may require, and on occurrence of any case of doubt or difficulty appearing to require a Regulation, the Commissioners to draft and submit the same for the consideration and orders of Government.

5th. Upon questions regarding the construction of Regulations, the Commissioners to address themselves to the Sudder Dewannee Adawlut, and be guided by their determination.

6th. The Commission, in no case, to consist of less than two persons, one of whom to be selected from amongst the Officers in the Judicial Department.

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REGULATION XVIII.

1817

*Modification of Rules respecting Oaths of Office by Native Officers.*

SECTIONS

# REGULATION XVIII.

SOLEMN DECLARATION.

2d. C. 1. Such parts of Regulations in force as prescribe an oath to be taken by law, by Ministerial Officers of Civil and Criminal Courts, or other departments, or by Munsiffs, Sudder Aumeens, or native pleaders, modified as follows.

C. 2. A solemn declaration to be substituted for the prescribed oath, in all such cases.

C. 3. How attested and enforced.

3d. The modified rules in force respecting oaths, to extend to all native officers of Government holding public trusts, though not specifically named in Section 4, Regulation XII. 1793.

4th. C. 2, Section 5, Regulation XII. 1793; C. 2, Section 5, Regulation XI. 1803; Section 37, Regulation IX. 1793, and Section 9, Regulation VII, 1803, rescinded.

APPOINTMENT OF LAW OFFICERS OF COURTS.

5th. Sections 3 and 4, Regulation VIII. 1809, modified, and Court of S. D. A. and N. A. may exercise their discretion in the selection and appointment of persons duly qualified to succeed to any vacancy in the situation of Law Officers in the Zillah, or City, or Provincial Courts, without adopting the nomination of the Zillah or City Judge, or of the Provincial Court.

6th. C. 1. Provisions in Regulations XII. and XIII. 1793, (and corresponding Rules for Benares, and C. and C. P.) whereby native ministerial officers are liable to be prosecuted civilly for damages, not meant to preclude

*Complaints against Native Ministerial Officers of the Civil and Criminal Courts*

BEFORE THE CRIMINAL COURTS.

preclude a criminal prosecution for any act of corruption, extortion, or embezzlement.

C. 2. Whenever, by the result of a civil action against any native ministerial or law officer, such person shall not incur the penalties for corruption or extortion, provided for by Regulations XII. and XIII. 1793, and there may appear sufficient grounds for a criminal prosecution against such person, he is hereby declared liable to be so prosecuted, and on conviction before a Court of Circuit, or N. A., subject to discretionary punishment to the extent and under the provisions stated in Section 3, Regulation II. 1813.

C. 3. A report of all convictions and sentences, passed under this Section, to be made to Governor General in Council, to enable him to determine, whether the guilty persons shall be declared incapable of again serving Government, as prescribed by Section 4, Regulation II. 1813.

SUMMARY PROCESS FOR RECOVERY OF MONEY OR PAPERS.

7th. C. 1. The following provisions enacted for the recovery, by summary process of money, or other property deposited in the Civil or Criminal Courts, embezzled by native officers, or public accounts withheld by them,

C. 2. Whenever any native officer of a Civil or Criminal Court may be charged with having embezzled any money or property paid into or deposited

deposited in (on whatever account) any Court to which he may be attached, or received by him in his official capacity, or whenever the Judge or Judges of a Civil or Criminal Court may have reason to suspect any such embezzlement, they shall immediately institute a summary enquiry to ascertain the truth of such charge or suspicion, and shall require from the accused or suspected person security for his attendance, on failure of which the party may be placed in charge of Peons, or detained in custody in the civil jail.

C. 3. On proof of embezzlement and failure of payment, within the prescribed period, to be recoverable from the party or his surety, by the process for execution of judgments of the Court.

C. 4. The same course to be pursued when public accounts may be withheld by native officers, and offender to be adjudged to pay such fine to Government as, on consideration of his circumstances, may appear just and proper.

C. 5. A summary appeal may be admitted by the Provincial Courts from decisions passed in such cases, by the Zillah and City Judges,

and

and if sufficient security be given for performing the final decree, the former judgment shall not be carried into execution until confirmed by the Court of Appeal.

C. 6. And also a summary appeal may be admitted by the Sudder Dewanny Adawlut, from original summary judgments of Provincial Courts, and the decree of the Provincial Court shall not be executed until affirmed by the S. D. A. if the required security be given by the appellant.

C. 7. But no second appeal to lie to the S. D. A. from original judgments of the Zillah and City Courts, except under the prescribed restrictions for specials appeals in summary suits—nor any final summary judgments passed under the provisions of this Section, open to a further regular suit, but to be held conclusive upon the merits of all cases adjudged.

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REGULATION XIX.

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# REGULATION XIX.

*Modifying Rules for the Administration of Civil Justice.*

OPTION ALLOWED TO PLAINTIFFS.

2d. C. 1. Such parts of C. I, Section 5, Regulation XXV. 1814, or other Regulations in force, as provide, that original suits exceeding in amount or value Rupees 5,000, shall be instituted and tried in the Provincial Court, modified.

C. 2. Option granted to Plaintiffs to institute a regular suit, either in the Provincial Court of the division, or in the Zillah or City Court, when the amount or value of the claim calculated, in conformity with Section 14, Regulation I. 1814, and Section 23, Regulation XXVI. 1814, may not exceed 10,000 Rupees.

PETITION FOR TRANSFER OF SUITS.

3d. C. 1. The above rule not to prevent the exercise of the discretion vested in the Court of Sudder Dewanny Adawlut, by C. 1, Section 3, Regulation XXV. 1814.

C. 2. Plaintiffs may petition a Provincial Court for the transfer of any suits instituted under the above Clause, in a Zillah or City Court, and if there appear sufficient cause for the transfer, the Provincial Court to transmit the petition for the orders of the Sudder Dewanny Adawlut; but the parties in suits instituted in any Court, under the option allowed by Section 2d, liable to a penalty for instituting a second suit, in another Court, on the same cause of action, and such suit to be dismissed as directed by Section 12, Regulation III. 1793, and Section 9, Regulation II. 1803.

4th. The provisions in Section 4, Regulation XIII. 1808, and in C. 2, Section 7, Regulation XXVI. 1814, relative to cases in which the real value

*Administrations of Civil Justice.*

value or amount of the cause of action may be disputed, applicable to suits instituted in the Zillah or City Courts, not exceeding Rupees 10,000.

DISPUTED AMOUNT OF CAUSE OF ACTION.

5th. In suits for Malguzaree land, not constituting an entire estate, distinctly assessed, the value to be assumed at its computed annual rent produce, as described in Section 3, Regulation IV. 1793, and Section 3, Regulation III. 1803, if the suit be not for proprietory right, but for a leasehold of any denomination, or other interest in the land for a limited period, the valuation how estimated.

APPEAL TO P. C. and S. D. A.

6th. C. 1. In all *original* suits tried and determined, in the first instance, by Zillah or City Courts, under this Regulation, an appeal to lie to Provincial Courts, as provided by C. 3, Section 3, Regulation XXV. 1814.

C. 2. A second or special appeal from the judgments of the Provincial Courts of Appeal will also be admissable by the Sudder Dewanny Adawlut, under the restrictions established by Section 2, Regulation XXVI. 1814.

ADDITIONAL GROUNDS OF SPECIAL APPEALS.

7th. C. 1. In addition to the grounds specified in C. 1, Section 3, Regulation XXVI. 1814, for admission of special appeals, such appeals to be allowed in cases where decrees passed by one or more Courts are inconsistent with each other.

C. 2. Courts empowered to receive such appeal may either try the merits

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*Administration of Civil Justice.*

merits of the case, and pass final judgment, or refer the suit back for revision.

STAMP DUTY ON SUITS REFERRED FOR REVISION.

8th. In all appeals, whether regular or special, in which the suit may be referred back for revision or further investigation, stamp duty paid on petition of appeal to be refunded to appellant, and the fee of the pleader to be limited to such sum as the Court may deem adequate, not exceeding one-fourth of the fee established on regular suits.

FEES OF PLEADERS ON SUMMARY APPEALS.

9th. C. 1. Sections 32 and 33, Regulation XXVII. 1814, rescinded.

C. 2. Rule prescribed in C. 11, Section 3, Regulation XXVI. 1814, respecting fee receivable by pleaders in summary appeals, applicable to all summary appeals and suits.

C. 3. Deposit on account of pleaders' fees, in summary suits and appeals, not requisite, but the fees awarded to be paid into Court on decision of the case, or in default, to be levied by the usual process of recovery, with such further penalty as the Court may judge proper to award to pleader on consideration of delay.

10th. C. 1. C. 3, Section 25, Regulation XXVII. 1814, modified as follows.

C. 2. If the pleaders' fees, in different suits, shall not exceed Rupees 16, one consolidated receipt to be taken, instead of separate receipts.

A discretion

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## REGULATION XIX.

*Administration of Civil Justice.*

Examination of Witnesses.

11th. A discretion vested in the Court of Sudder Dewanny Adawlut, and Provincial Courts, to dispense with the rule prescribed in Section 11, Regulation XXVI. 1814, respecting the mode of taking the examination of witnesses, but on such occasions the Judge to be furnished with specific instructions to examine the witnesses, if practicable, himself, or by his Register, instead of native officers.

Period of Suits before Munsiffs.

12th. In extension of the period specified in C. 1, Section 13, Regula- XXIII. 1814, Munsiffs may receive and try suits in which the cause of action may have arisen within three years antecedent to their institution.

Reference of Summary Suits to Collectors.

13th. C. 1. Judges of Zillah and City Courts vested with a discretionary power to refer, for adjustment, and report *to the Collector of the district*, suits instituted under the Provisions of Regulation V. 1812, (Revenue;) or may *refer them to their Registers.*

Vide Section 2, Regulation XIV 1814.

Extended Section 9, Regulation II. 1821.

C. 2. But when the Judges or Registers cannot decide such suits without delay, they are to refer them, as heretofore, to the Collector.

14th. Registers not officiating as Judges, incompetent to refer suits to the Collector, but Register to report to the Judge whenever he may be

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# REGULATION XIX.

Administration of Civil Justice.

ARREST OF DEFAULTING TENANTS.

be of opinion that a reference to the Collector will facilitate the decision of a suit pending before him of the nature described in Section 13, Regulation VIII. 1794, or Section 2, Regulation VII. 1813, or Section 15, Regulation VII. 1799, or Section 14, Regulation V. 1800, or Section 32, Regulation XXVIII. 1803, or Section 21, Regulation V. 1812.

15th. Petitions for arrest of defaulting tenants and their sureties, under Section 15, Regulation VII. 1799, and Section 14, Regulation V. 1800, and Section 32, Regulation XXVIII. 1803, may be presented to the Judge of the Zillah or City in which defaulter or his surety shall at the time reside, as well as to the Judge of the Zillah or City in which the land may be situated, and the Judge to issue the prescribed process of arrest, directed in C. 3, Section 15, Regulation VII. 1799, and corresponding Clause of Section 14, Regulation V. 1800, and Section 32, Regulation XXVIII. 1803.

C. 2. What the petition for arrest is to specify.

C. 3. If the defaulter or surety after arrest shall not satisfy the claim, the Judge to require him to shew cause why he should not be forwarded to the Court, in the jurisdiction of which the land or tenure may be situated, and if due cause be not assigned, or substantial security given, to be forwarded under Peons. What documents to accompany defaulter; or be sent, when security be given for appearance.

C. 4. Judge of Zillah or City in which the land is situated, to proceed against

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# REGULATION XIX.

*Arrest of Defaulting Tenants.*

against the defaulter as directed by the Regulations in force.

16th. C. 1. The following rule enacted in amendment of Section 15, Regulation VII. 1799, and Section 14, Regulation V. 1800, and Section 32, Regulation XXVIII. 1803.

C. 2. Defaulting tenants arrested, or their sureties, and denying the justice of the demand, may be admitted to bail, pending the summary investigation.

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REGULATION V.

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*Appointing a Commissioner for the administration of Civil Affairs in Cuttack.*

POWERS OF THE COMMISSIONER.

2d. The powers hitherto exercised in Cuttack by the Boards of Revenue and Trade, the Provincial Court of Calcutta, and the Local Committee for Superintending the Embankments, are hereby suspended.

3d. A Commissioner deputed to Cuttack to exercise and discharge the whole of the powers and duties heretofore exercised and discharged by the Boards, &c. above-mentioned.

4th. The Judge of Circuit now holding the jail delivery at Cuttack, to complete the duties of the present sessions.

5th. C. 1. All civil suits depending on the Provincial Court of Calcutta, to be transferred to the Commissioner.

APPOINTMENT OF VAKEELS NOT NECESSARY.

C. 2. The pleadings and management of suits before the Commissioner shall be conducted by the parties themselves, or their agents; it shall not be necessary to appoint regular pleaders in the Court of the Commissioner.

C. 3. The Commissioner empowered to dispense with the rules contained in Sections 3, 4, 5, 6 and 7, Regulation XXVIII. 1814, in all cases in which he may judge it expedient to permit persons to sue as paupers.

PAUPERS.

C. 4. The Commissioner, and the Judge and Magistrate of the district of Cuttack, may also dispense with the rule contained in Section 19, Regulation XXVIII. 1814, in all instances in which they may judge it expedient.

Orders

SECTIONS

## REGULATION V.

DECISIONS IN CIVIL SUITS FINAL.

C. 5. Orders and decisions passed by the Commissioner in civil suits to be final. But an appeal to lie to the Sudder Dewanny Adawlut in suits appealable, under the Regulations to the King in Council.

POWERS OF THE NIZAMUT ADAWLUT.

6th. Nothing contained in this Regulation to affect or alter the powers of the Nizamut Adawlut with regard to the administration of criminal justice in the district of Cuttack; the Commissioner to stand in the same relation to the Nizamut Adawlut as the Court of Circuit for the division of Calcutta.

APPOINTMENT AND REMOVAL OF NATIVE OFFICERS.

7th. The Provisions of Regulation XXII. 1817, rescinded. The Commissioner to confirm the appointment or removal of the native officers on the establishment of the Judge and Magistrate of Cuttack.

COURT OF THE JUDGE AND REGISTER.

8th. The Judge and Register of Zillah Cuttack empowered to hold their Courts for the investigation of summary suits regarding rent or dispossession from lands, in any part of that district. The Registers and assistants to the Judge and Magistrate may be employed on local duties in the Territorial Department.

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## REGULATION IX.

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# REGULATION IX.

*Amending the existing Rules for the Admission of Special Appeals.*

Grounds for the Admission of Special Appeals.

2d. C. 1. The rules contained in C. 1, Section 2, Regulation XXVI. 1814, regarding the grounds for the admission of special appeals in the Provincial Courts of Appeal and Sudder Dewanny Adawlut, amended as follows.

C. 2. Rescinded by C. 1 Section 4, Regulation II. 1825. The Provincial Courts and the Sudder Dewanny Adawlut, competent to admit a second or special appeal, whenever, on a perusal of the decree of the Lower Court, there may appear strong probable ground to presume a failure of justice.

Provincial Courts and Zillah and City Courts may recommend the Admission of Special Appeals.

3d. C. 1. Judges of the Zillah and City Courts, in any case in which no further regular appeal is open, may, at the desire of either of the parties, if they see sufficient reason, recommend to the Provincial Courts to admit a special appeal.

C. 2. The Provincial Courts also competent, under similar circumstances, to recommend the admission of a special appeal to the Sudder Dewanny Adawlut.

C. 3. In the event of a Provincial Court declining to admit a special appeal, under the circumstances above stated, the Sudder Dewanny Adawlut, on application from the party desiring the appeal, may direct the Provincial Court to receive such appeal.

Papers may be called for.

4th The Sudder Dewanny Adawlut and the Provincial Courts, previously to admitting a special appeal, competent to call for the production of any papers which they may deem proper, beside the documents presented by the party applying for the appeal.

No

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# REGULATION IX.

*Amending the existing Rules for the Admission of Special Appeals.*

TWO JUDGES. 5th. No special or second appeal to be admitted by the Provincial Courts or Sudder Dewanny Adawlut, without the concurrence of two Judges of a Court.

6th. Foregoing rules not to affect the existing rules, regarding the limitation of time or prevailing forms.

PERSONS RESIDING IN CALCUTTA. 7th. C. 1. Persons residing in the City of Calcutta, who may be desirous of instituting or defending an original suit or appeal in any Zillah, or City, or Provincial Courts, to furnish security for the payment of all eventual costs, by surety or sureties residing and possessing property out of Calcutta; such security to be furnished by parties in six weeks, in default of which, the cause to be decided exparte. And no appeal to be admitted from the decision, until the appellant shall have paid the costs demanded from him in the Lower Court.

C. 2. The foregoing rules declared applicable to persons becoming residents of Calcutta, pending any suit or appeal.

PAUPERS. C. 3. Nothing contained in this Section shall be considered applicable to pauper suitors, coming within the Provisions of Regulation XXVIII. 1814.

In

1819 | SECTIONS

*Extending the Powers of the Zillah and City Registers.*

# REGULATION IX.

IN THE TRIAL OF APPEALS.

8th. C. 1. In addition to the special powers which may be conferred in Zillah and City Registers, under the Provisions of Section 9, Regulation XXIV. 1814, the Governor General in Council, on a recommendation from the Sudder Dewanny Adawlut, may invest any Register with power to try and determine depending appeals from the decisions of another Register, on the class of suits specified in Section 8, of the above-mentioned Regulation. Registers to receive *the same fees* as in other cases.

Vide Section 13, Regulation II. 1821.

QUALIFICATIONS NECESSARY.

C. 2. No Register to be vested with the power above-mentioned, unless he shall have been *employed in the Judicial Department* for a period of six years, and the decision appealed from shall have been decided by a Register junior to himself in the service.

C. 3. Provincial Courts empowered to admit a second or special appeal from the decisions passed by any Register under the foregoing clauses.

REGISTERS OF PROVINCIAL COURTS.

9th. Zillah and City Judges, within whose jurisdiction the Cutcheries of the Provincial Courts may be situated, authorized to refer *to the Register of such Provincial Court* any original civil suits cognizable by the Zillah and City Registers, under the provisions of Section 8, Regulation XXIV. 1814.

Office abolished, vide Section 14, Regulation II. 1821.

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REGULATION II.

1821 — *For Encreasing the Powers of Moonsiffs.*

| Sections | REGULATION II. |
|---|---|
| 2d. | **Amount of Suits.** The Provincial Courts empowered to encrease the number of Moonsiffs, on the recommendation of Zillah or City Judges. |
| 3d. C. 1. | Moonsiffs empowered to try and decide on suits for money or other personal property not exceeding in amount the sum of One Hundred and Fifty Sicca Rupees; provided the cause of action shall have arisen within the period of three years, and that the claim include the whole amount of the demand arising from such cause of action, and be not for personal damages. |
| C. 2. | *Prohibitions contained in* Clauses second and third, Section 13, Regulation XXIII. 1814, declared applicable to such suits. |
| C. 3. | **Stamp Duty and Fees.** The payment of stamp duties, and compensation to Moonsiffs, to be levied and adjusted in conformity with the Provisions of Sections 49 and 70, Regulation XXIII. 1814. |
| C. 4. | Rules in force regarding the decision of suits by Moonsiffs declared applicable to suits instituted under this Regulation. |
| 4th. | **Suits for the Recovery of Arrears of Rent.** Regular suits for the recovery of arrears of rent may be instituted either before the Moonsiffs, or in the Zillah and City, or Provincial Courts, according to the amount at issue, and the Zillah and City Judges are enjoined to encourage that mode of procedure instead of a summary process, whenever it may, in their opinion, lead to a more satisfactory determination of the points at issue. |

Sudder

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# REGULATION II.

*Extending the Powers of the Sudder Aumeens.*

IN THE TRIAL OF SUITS NOT EXCEEDING 500 RUPEES.

5th. C. 1. Sudder Dewanny Adawlut empowered to invest Sudder Aumeens with authority to try and decide original suits, not exceeding Five Hundred Rupees.

C. 2. Zillah and City Judges authorized to refer to such Sudder Aumeens depending civil suits, with the exceptions specified in Section 68, Regulation XXIII. 1814, provided the computed amount of each suit does not exceed Five Hundred Rupees.

C. 3. Sudder Aumeens to be guided by the Provisions contained in Regulation XXIII. 1814, in deciding on claims exceeding One Hundred and Fifty Rupees. But to receive only a *moiety of the institution fee, on the amount of stamp duty, in* cases when the claim exceeds One Hundred and Fifty Rupees.

Rescinded by C. 1. Section 2, Regulation XIII. 1824.

MAY HOLD THEIR CUTCHERIES AT THE STATION OF THE REGISTER.

C. 4. The Provisions of Clauses 3d, 4th, 5th, 6th, Section 8, Regulation XXIV. 1814, applicable to suits referred for trial to the Sudder Aumeens, in which the value or amount of the claim may be above One Hundred and Fifty Rupees, but may not exceed Five Hundred Rupees.

6th. Section 67, Regulation XXIII. 1814, modified, one or more Sudder Aumeens may be employed, and may hold their Cutcheries where a Register may be stationed at a distance from a Zillah or City Court.

EXECUTION OF THE DECREES OF SUDDER AUMEENS AND MOONSIFFS.

7th. C. 1. Petitions for the execution of civil decrees to be presented as heretofore. But such parts of the Regulations as require, that decrees passed by Sudder Aumeens, or by Moonsiffs, shall be executed or

## REGULATION II.

*Execution of Decrees.*

OF SUDDER AUMEENS AND MOONSIFFS.

or enforced under the special orders of the Judge, are declared subject to the following modifications.

C. 2. Judges of the Zillah and City Courts authorized to refer to Registers or Sudder Aumeens, all applications for the execution of decrees passed by the Sudder Aumeens or Moonsiffs; an appeal from their orders open to the Judge, and specially to the Provincial Court.

C. 3. All orders issued by Registers or Sudder Aumeens, in such cases to be executed by the officers of the Zillah and City Courts.

OF PROVINCIAL COURT AND S. D. A. IN CERTAIN CASES.

8th. Such parts of Section 6, Regulation V. 1793, (and the corresponding rules for Benares and the Ceded and Conquered Provinces,) as prescribe, that the Provincial Courts of Appeal shall order their decrees to be executed by the Judges of the Zillah and City Courts, are hereby modified. The Provincial Courts of Appeal shall execute their own decrees, and the decisions passed thereon by the Sudder Dewanny Adawlut in all original regular suits relating to the jurisdictions of the Zillah or City Court within which the Provincial Courts are situated.

REFERENCE OF SUMMARY SUITS TO REGISTERS.

9th. The Judges of the Zillah and City Courts competent to refer to their Registers, who may be vested with any of the special powers under Regulation XXIV. 1814, summary suits of any amount concerning arrears of rent, or forcible dispossession from lands or crops, or disturbance in the possession thereof.

Such

SECTIONS.

## REGULATION II.

NEED NOT BE HELD IN THE ESTABLISHED COURTS.

10th. C. 1. Such parts of the Regulations in force as prescribe that the Zillah and City Courts shall be held at the City or place at which they are respectively established and that no rule, order, or proceeding is to be made but on Court days, and in open Court, modified.

C. 2. Judges and Registers of the Zillah and City Courts empowered to hold their proceedings in summary suits at any place within the jurisdiction of the Courts to which they may be attached; provided that the cause of action shall have arisen within the limits of such jurisdiction.

PLEADERS EXEMPTED FROM ATTENDANCE.

C. 3. The pleaders of Courts exempted from attending the trial of summary suits *when* conducted at a distance from the fixed station of the Judge or Register. Such suits to be tried in the presence of the parties, or any persons appointed to attend on their behalf.

C. 4. The foregoing rules applicable to summary suits referred for investigation to the Collectors.

CASES REFERRIBLE TO REGISTERS.

11th. C. 1. Such parts of the Regulations in force as require that suits referrible to a Register shall be entered, in the first instance, in the Court of the Zillah and City Judges, subject to the following modifications.

Registers

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# REGULATION II.

*Registers stationed at other than the Fixed Stations of the Zillah and City Courts.*

MAY RECEIVE SUITS OR APPEALS.

C. 2. Registers at other than the fixed stations of the Zillah and City Courts may, in the first instance, receive original suits or appeals, which may eventually be referrible to them, in which the cause of action may have arisen, or the parties may reside, within the local jurisdiction entrusted to him *as joint Magistrate of the district* of which he may be the Register, or officiating as such.

Extended by C. 1. Section 2, Regulation III. 1824.

TO SEND COPY OF PETITION, &C. TO THE JUDGE.

C. 3. When such suits or appeals shall be preferred to the Register, he shall enter it on his file, and forward a copy of the petition with copies of any other papers that may be necessary for the orders of the Judge, who will either authorize the Register, or Sudder Aumeen stationed with the Register, to try the case, or will require it to be transmitted for trial either by himself or other competent authority.

MAY RECEIVE APPLICATIONS FOR THE EXECUTION OF DECREES OF MOONSIFFS AND SUDDER AUMEENS.

12th. Registers stationed at other than the fixed station of the Zillah or City Courts, authorized to receive applications for the execution of decrees passed by the Moonsiffs and Sudder Aumeens, within his jurisdiction, and to execute them, or order them to be executed by the Sudder Aumeens, in the mode prescribed by Section 7, of this Regulation. Appeals from the orders of the Sudder Aumeens to be made, in the first instance, to the Register.

REGISTERS' FEES ABOLISHED.

13th. The several clauses of Sections 8 and 9, Regulation XXIV. 1814, and any other provisions which authorize the Registers of the Zillah and City Courts to receive a proportion of the fees, or amount of stamp duty, on the decision of suits referred to them, rescinded.

The

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*Registers of Provl. Courts abolished.*

## REGULATION II.

14th. The office of Register of the Provincial Courts abolished, and their duties to be performed by the Judges and the Office attached to their respective establishments.

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1823

* This Regulation extended by Regulation V. 1824.

## REGULATION VI.*

*Engagements for the Cultivation of Indigo Plants.*

2d. Persons making advances for the cultivations of Indigo plant, under written engagements, on defined portions of land, shall have a lien or interest in the plant produced on such land.

COMPLAINT AGAINST PERSONS NOT FULFILLING.

3d. C. 1. If any person who may have made such advances, shall have reason to believe that an individual, under engagements with him, is about to dispose of the produce of his land to another, he may complain to the Zillah or City Judge, or to a Register exercising the powers of Joint Magistrate within whose jurisdiction the land may be situated, filing, with his petition, the original deed of engagement entered into by the cultivator.

PROCESS FOR THE APPEARANCE OF THE DEFENDANT.

C. 2. On the petition being filed, the defendant to be summoned to answer the complaint, either in person or by Moktar, within twenty days.

C. 3. Copy of the summons to be affixed in the village Cutchery, or other public place, and the officer serving it to erect a bamboo on the parcel of ground for the produce of which the claim may have been preferred, in order that persons desirous of contesting the plaintiff's right, may appear before the Court for that purpose.

If

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## REGULATION VI.

*Engagements for the Cultivation of Indigo Plants.*

Summary Enquiry and Decision.

C. 4. If the defendant shall not appear to answer to the complaint, and no other claim be preferred, the plaintiff's demand shall be enquired into, and decided exparte.

C. 5. If the defendant shall attend, and the execution of the engagement be satisfactorily proved, and no preferable claim be established by a third party, a summary award shall be made adjudging to the plaintiff the right of receiving the crop.

C. 6. If the plaintiff's claim be not established, the plaintiff to pay costs and compensation to the defendant.

C. 7. If it should appear, in the course of th enquiry, that the defendant is under engagement for the same land to a third party, notice shall be issued to him, and a summary investigation entered into to determine which of the parties may have the prior and better claim; a preference to be given to engagements duly registered. The result of the investigation to be recorded, and a decree passed accordingly.

C. 8. Defendant not to be confined in jail or subjected to any unnecessary detention.

C. 9. If, pending the summary enquiry, it shall appear that the Plant will be injured or destroyed if not cut, the Judge, or other officer trying

*Disposal of the Plant, pendente lite.*

trying the case, may pass an order for the delivery of it to either of the parties, on his engaging to pay the other claimant a specific pecuniary compensation, if the summary award should be ultimately in favor of the latter.

*Interferance of Police Officers.*

4th. C. 1. Any person in whose favor a summary award shall have been passed for the produce of a spot of land, authorized to prevent the cutting or removal of the Plant, and Police Officers, when applied to, to aid him in preventing such removal.

*Rent of the Land.*

C. 2. Whenever any manufacturer, who may have obtained an award under the foregoing rules, may cause the Plant to be cut and taken away, he shall be held responsible, conjointly with the Ryot, for the rent of the land from which the Plant may have been taken.

5th. C. 1. Parties injured by breach of contract, in regard to the cultivation and delivery of Indigo plant, may institute either a summary or regular suit.

*Award in Summary Cases.*

C. 2. If the summary process be adopted, and the cause be decided in favor of the plaintiff, the defendant shall be subjected to the payment of the amount of the advances actually received by him, with interest on the same, and costs.

If

# REGULATION VI.



FRAUDULENT TRANSACTIONS—REGULAR SUIT.

C. 3. If a regular suit be instituted, the plaintiff may prosecute conjointly both the Ryot and the individual to whom the produce of the land may have been sold or delivered; and if it be established, that the latter was aware of the prior engagement, such individual and the Ryot shall be held, jointly and severally, answerable for the full amount of the penalty specified in the original agreement, with costs.

C. 4. If no fraud or dishonest dealing be established, and the failure of the Ryot to perform his engagement be owing to accident, the penalty adjudged shall not exceed three times the sum advanced, including interest.

SUMMARY SUITS HOW TRIED.

6th. Summary suits, under this Regulation, to be tried either by the Judge, or referred to the Collector of the district, or the Register—any person dissatisfied with the summary award, may prosecute his claims by a regular suit.

ENGAGEMENT ON STAMP-PAPER.

7th. No objection to be taken against any engagement for the cultivation and delivery of Indigo plant, provided the same be executed on stamp-paper of the value required for a bond of the amount actually advanced to the Ryot.

8th. Such deeds not invalid in consequence of their including several individuals, and several separate transactions, in the same deed, provided that the obligation of each individual be distinctly stated, and the value of the stamp-paper be sufficient to cover the aggregate of all the sums advanced.

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# REGULATION VII.

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# REGULATION VII.

*Loans to Civil Servants.*

PROHIBITIONS.

2d. C. 1. Civil Servants, in every department of the service, prohibited from borrowing money from the Native Officers under their authority, and the connexions or dependants of such officers.

C. 2. And from other persons officially accountable to them, or their connexions or dependants.

C. 3. Section 4, Regulation XXI. 1814, rescinded, and provisions of Sections 2 and 3, of that Regulation, extended to Civil Officers in the Commercial Department, as well as to all other officers being Covenanted Civil Servants.

3d. All Judges of Zillah and City Courts, all Magistrates, Joint Magistrates. Registers, and Assistants to Magistrates, all Collectors and Deputy Collectors, or other officers exercising the powers of Collector, prohibited from incurring debt to Zemindars, and other persons residing in, or having property within, their respective districts.

4th. Any person lending money, or in any way becoming creditor to any such public officer, in breach of this prohibition, shall forfeit to Government a sum equal to the amount for which he shall have so illegally become creditor.

PENALTIES.

5th. Officers in debt, contrary to the above rules, to report the fact at the expiration of one year, in default of which they will be subject to the same penalty as if the debt had been incurred subsequently to the promulgation of this Regulation.

Officers

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## REGULATION VII.

*Loans to Civil Servants.*

6th Officers receiving new appointments, if indebted to individuals contrary to the foregoing rules, to make known the circumstance to Government.

PENALTIES.

7th. Any Native knowingly accepting office in contravention of the Provisions of Regulation XXI. 1814, shall forfeit to Government a sum equal to ten times the yearly salary or allowances attached to the situation to which he may be appointed.

PENALTIES HOW ENFORCED.

8th. Suits for the recovery of penalties incurred under this Regulation to be instituted under the instructions of Government, and conducted by the Superintendent and Remembrancer of Legal Affairs, or other Officer nominated for the purpose; such suits shall be prosecuted in the Provincial Court within which the transaction may have taken place, or the lender may reside or possess property. An appeal shall lie from the decision of the Provincial Court, and the judgment shall be enforced under the rules for the execution of other decrees of the Civil Courts.

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REGULATION III.

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## REGULATION III.

*Extending the Jurisdiction of Registers.*

IN THE TRIAL OF REGULAR SUITS.

2d. C. 1. Registers may be empowered to investigate regular suits arising in any portion of any district in which he may exercise the powers of Joint Magistrate.

C. 2. Provisions in the existing Regulations, for the guidance of Registers stationed at a distance from the Sudder station, applicable to such suits.

C. 3. Reports to be furnished by such Registers to the Judge of the Zillah or City within whose jurisdiction the suits may have originated.

## REGULATION IV.

*Registry of Deeds.*

2d. The office for the registry of deeds shall, in all cases, be established at the Sudder station of the Zillah or City Courts. To be superintended by the Register, if there be more than one, by the Register employed at the Sudder station. If the Register be prevented by sickness, or other sufficient cause, from performing his duty, he may appoint a deputy, with the approbation of the Judge, such deputy to be a Covenanted Civil Servant, and to take the prescribed oath of office.

If

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## REGULATION IV.

*Registry of Deeds.*

DEPUTY APPOINTED IN THE ABSENCE OF THE REGISTER.

3d. If a Register vested with the superintendance of the office be absent from the Sudder station, without having appointed a deputy, the Judge authorized to appoint a deputy, being a Covenanted Civil Servant, and to swear him into the due performance of the duties of the office.

4th. The Judge shall appoint a qualified person, being a Covenanted Servant, to act as Register of Deeds, when, from a vacancy in an office of Register, a deputy cannot be appointed.

5th. If there be no qualified person at the station, the Judge is authorized and required to perform the duty of Register himself.

6th. The Registry of all deeds which may have been hitherto duly executed by a Judge, or other Covenanted Servant, with his sanction, in the absence of the Register, are hereby declared valid.

FEES.

7th. The deputy appointed, under Sections 2, 3 or 4, of this Regulation, to receive the fees of registry; but when the Judge may perform the duty, under Section 5, the fees to be carried to the credit of Government, after deducting the expense of the establishment.

## REGULATION V.

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ENGAGEMENT FOR THE CULTIVATION AND DELIVERY OF INDIGO PLANTS.

## REGULATION V.

2d. The operation of the Provisions of Regulation VI. 1823, is hereby extended to the Provinces of Orissa, Behar, and Benares, and to the Ceded and Conquered Provinces.

1824

*Local investigations in certain cases.*

## REGULATION XI.

2d. Judges and Magistrates empowered to depute their Registers or Assistants to conduct local investigations within their respective jurisdictions, for the purpose of determining boundary disputes, or the adjustment of other judicial matters, and to furnish the Officer deputed with suitable instructions for his guidance.

EXPENSE OF—REGISTER OR ASSISTANT MAY BE DEPUTED.

3d. Judges and Magistrates may determine what proportion of the deputation charges shall be paid by the respective parties.

4th. All deputations to be reported to the Secretary in the Judicial Department.

PROCEEDINGS TO BE REPORTED.

5th. A report also to be made to the Provincial Court of Appeal or Circuit, together with copy of the proceeding of the Judge or Magistrate directing the deputation, who may revoke the deputation if it shall be deemed unnecessary or inexpedient; in such cases the Provincial Court to report their proceedings to the Sudder Dewanny or

## REGULATION XI.

*Local investigations.* PLEADERS NEED NOT ATTEND.

or Nizamut Adawlut, who will issue such final orders in the case as they may deem just and proper.

6th. The Judges of the Zillah and City Courts to depute their Registers only in cases of urgency. The parties concerned, or their authorized agents, and not the established pleaders of the Register's Court, to be required to attend the Register in making local investigations.

## REGULATION XIII.

*Office of Sudder Aumeen.* TO RECEIVE MONTHLY ALLOWANCE IN LIEU OF FEES. RAZEENAMAHS.

2d. C. 1. *Parts of Regulation* XXIII. 1814, and of Regulation II. 1821, relative to the fees of Sudder Aumeens, rescinded.

C. 2. Sudder Aumeens to receive monthly allowances in lieu of fees.

3d. C. 1. Parts of Section 2, Regulation XXIII. 1814, and of Section 4, Regulation III. 1817, or of any other Regulation as restrict plaintiffs or appellants in original suits or appeals adjusted by Razeenamah, before Sudder Aumeens, from receiving back the whole or a portion of the institution fees paid by them, are hereby rescinded.

In

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# REGULATION XIII.

*Office of Sudder Aumeen.*

RAZEENAMAH.

C. 2. In original suits and appeals referred to Sudder Aumeens, if the Razeenamah be filed before the pleadings are completed and read, the full amount of the stamp duty paid on the institution of the suit or appeal to be returned; if after the pleadings have been read, a moiety only shall be returned.

C. 3. A monthly statement of stamp duty receivable by the parties entitled thereto, to be furnished by the Sudder Aumeens to the Judges or Registers, with whom they are stationed, who will cause the same to be paid to the parties in pursuance of Section 25, Regulation XXVI. 1814.

PAUPER SUITS MAY BE REFERRED FOR TRIAL TO SUDDER AUMEENS.

4th. C. 1. Part of Section 68, Regulation XXIII. 1814, and Section 6, Regulation XXVIII. 1814, prohibiting a reference to the Sudder Aumeens of suits in which the Plaintiff may have been admitted to sue in formâ pauperis, rescinded.

C. 2. The Judge or Register may refer suit in formâ pauperis, for trial and decision by a Sudder Aumeens.

C. 3. The Provisions of Regulation XXVIII. 1814, declared applicable to pauper defendants, and pauper appellants and respondents, in original suits or appeals referred for trial to Sudder Aumeens; but no person to be admitted as a pauper, without a written order from the Judge or Register with whom the Sudder Aumeen may be stationed.

Sudder

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## REGULATION XIII.

*Office of Sudder Aumeens,* MISCELLANEOUS DUTY OF.

C. 4. Sudder Aumeens may be employed in making the enquiries, provided for by Section 5, Regulation XXVIII. 1814, but no final order to be passed for the admission of a pauper suit without the sanction of the Judge or Register.

5th. Clause 5, Section 76, Regulation XXIII. 1814, rescinded; provided, however, that if any necessary expense be incurred by Sudder Aumeens in making the enquiries or adjustments therein referred to, it shall be competent to the Judge, on the completion of the enquiry or adjustment, to order payment of the same by one or both of the parties in the case, as may appear just and proper.

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## REGULATION XIV.

*Reference of Summary Suits to Collectors.* TO BE REFERRED BY PRECEPT.

2d. C. 1. Such parts of Regulations VII. 1799—V. 1800—XXVIII. 1803, V. 1812—VII. 1813—and XIX. 1817, as authorize the Judges of the Zillah and City Courts to refer summary suits to the Collectors for adjustment and report, are hereby modified as follows.

C. 2. A Judge referring to a Collector summary suits, under Section 13, Regulation XIX. 1817, shall issue a precept, requiring him to try and decide the suit within a limited period, or assign reason at the expiration of the period, why he has not done so.

In

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# REGULATION XIV.

*Reference of Summary Suits to Collectors.*

C. 3. In the event of considerable delay, the Judge may recall suits from the Collector.

3d. The Collectors are competent, summarily, to determine suits referred to them under the foregoing Section.

POWERS OF THE COLLECTOR.

4th. The Collector to be guided by the rules contained in this Regulation, or prescribed by other Regulations for the trial and decision of summary suits of the same description. The Collector invested with the same powers as the Civil Courts in issuing all process, except for the execution of decrees.

EXECUTION OF AWARD.

5th. All decisions passed by the Collectors under the Provisions of this Regulation, to be notified to the Judge, and the whole of the papers transmitted to the Court. The Collector's award to be executed by the Judge.

VAKEEL OR AGENT.

6th. It shall be competent to the parties in such suits to appoint any Vakeel or representative they may think proper. The remuneration of such Vakeel or representative, to be adjusted between himself and his constituent, but no greater sum to be awarded against the party cast, than may be deemed a fair equivalent for the attendance of the Vakeel or agent.

No

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## REGULATION XIV.

*Trial of Summary Suits by Collectors.*

PLEADINGS.

7th. No other pleadings shall be requisite from the parties in such suits, than a plaint and answer.

8th. The Moktarnamahs and Vakalutnamahs, and the pleadings and final decree, shall be written on stampt paper, the value of eight annas, and no fees shall be taken on exhibits, or for the witnesses required by the parties.

MAY BE TRIED IN ANY PART OF THE DISTRICT.

9th. It shall be competent to the Collectors to hear and determine such suits in whatever part of the district they may occasionally be or reside, provided the proceedings be held in public and in the presence of the parties.

PARTIES DISSATISFIED.

10th. Any person dissatisfied with the summary judgment of a Collector, passed under this Regulation, may prefer a regular suit in the Zillah or City Court, and on the institution of such suit the proceedings held on the summary enquiry, shall be filed on the record of the regular suit.

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## REGULATION XV.

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## REGULATION XV.

*Summary Cognizance of Cases of Forcible Dispossession in the Foujdary Court.*

PROCEEDINGS.

2d. Provisions of Regulation XLIX. 1793, Regulation XIV. 1795, Regulation XXXII. 1803, and Regulation VI. 1813, which relate to summary investigation of cases of forcible dispossession from land, &c. or forcible disturbance in the possession thereof, modified.

3d. Whenever it may appear from the report of a Police Officer, or from any proceedings in the Foujdary Court, that disputes exist concerning any lands or premises, or the right to water for purposes of irrigation, likely to terminate in a breach of the peace, the Magistrate or Joint Magistrate shall call upon the parties to attend the Foujdary Court in person or by Vakeel, and to deliver in a written statement of their possession, and to adduce proof of their having been dispossessed or disturbed in their possession by the adverse party, whereupon the Court, after an investigation of the statements and evidence of both parties, shall pass a summary decision on the merits of the case, and the party in whose favour judgment may be passed, shall be maintained in possession until the award may be attended, or reversed on the institution and decision of a regular suit in the Civil Court.

4th. The Magistrate, when he summons the parties, shall forward a

copy

Summary Suits pending in the Civil Court.

copy of his proceeding to the Civil Court, in order that no investigation of the same case may be entered upon, excepting in a regular suit; and in the event of a summary suit being pending in the Civil Court, the Judge or Register shall forward the proceedings to the Magistrate for his orders.

Damages.

5th. It is intended by the provisions of this Regulation, that the right to possession should alone be determined summarily by the Foujdary Courts, in order to secure the public peace,—Magistrates are therefore not empowered to award damages in such cases, which must be sued for in the Civil Court under the rules at present in force.

Appeal to the Court of Circuit.

6th. No appeal shall be admissible against the judgments passed by the Magistrates or Joint Magistrates, unless the ground of appeal be the irrelevancy of the Regulation to the case appealed; on which ground only the Court of Circuit of the division is authorized to receive an appeal, if preferred within one month from the date of the decision. The Court of Circuit to dismiss the suit with costs, if the stated grounds of irrelevancy shall not be established. If, on the other hand, the judgment of the Magistrate or Joint Magistrate shall appear irregular, the Court of Circuit shall reverse it, and pass such further orders as may be deemed just and proper with reference to the circumstances of the case.

*FINIS.*